

S  
636.294 Montana, Dept. of  
F2bvr Fish, Wildlife,  
1997 and Parks  
Big Velvet Ranch  
Game Farm  
expansion

# FINAL ENVIRONMENTAL IMPACT STATEMENT

---

# BIG VELVET RANCH GAME FARM EXPANSION

May 1997

STATE DOCUMENTS COLLECTION

JUN 23 1997

MONTANA STATE LIBRARY  
1515 E. 6th AVE.  
HELENA, MONTANA 59620

PLEASE RETURN



*Montana Department of  
Fish, Wildlife & Parks*

MONTANA STATE LIBRARY



**3 0864 0009 9671 3**



# Montana Fish, Wildlife & Parks

P. O. Box 200701  
Helena, MT 59620-0701  
(406) 542-5512  
FAX:406-542-5529

May 24, 1997

Dear Reader:

Enclosed for your review and comment is the Final Environmental Impact Statement (FEIS) for an expansion of the Big Velvet Ranch Game Farm prepared by Montana Fish, Wildlife, & Parks.

The Final EIS has been prepared in abbreviated format and must be used in conjunction with the Draft EIS (DEIS) issued April 23, 1997. The FEIS and the DEIS constitute the complete EIS. In Chapter 4, the FEIS responds to the comments received during the public review period on the DEIS.

Following the 15-day availability period of this FEIS, a Record of Decision will be issued. Questions or comments should be directed to:

Mack Long, Warden Captain  
Region 2, Montana Fish, Wildlife, & Parks  
3201 Spurgin Road  
Missoula, MT 59801

or telephone at 406-542-5512.

Sincerely,

Mack Long  
Region 2 Warden Captain

Enclosure



Digitized by the Internet Archive  
in 2016



**FINAL ENVIRONMENTAL IMPACT STATEMENT  
BIG VELVET RANCH GAME FARM EXPANSION**

**TABLE OF CONTENTS**

	<u>Page</u>
CHAPTER 1 INTRODUCTION . . . . .	1-1
CHAPTER 2 AGENCY PREFERRED ALTERNATIVE . . . . .	2-1
CHAPTER 3 ERRATA . . . . .	3-1
CHAPTER 4 COMMENTS AND RESPONSES . . . . .	4-1



# **CHAPTER 1**

## **INTRODUCTION**

This Final Environmental Impact Statement (FEIS) is prepared for a proposed expansion to the Big Velvet Ranch (BVR) game farm located in Ravalli County, Montana. The FEIS contains the Agency Preferred Alternative and a record of written and verbal comments received on the Draft Environmental Impact Statement (DEIS). The DEIS previously distributed and this document together constitute the FEIS for the BVR game farm proposed expansion.

The DEIS was distributed for public comment on April 23, 1997. The Montana Department of Fish, Wild and Parks (FWP) received written comments and held one public meeting to receive comments during the public comment period which ended on May 23, 1997. Neither written comments nor comments received during the public meeting identified major changes or modifications to the analysis or conclusions presented in the DEIS. The DEIS has not been reprinted; therefore, this document should be read in conjunction with the DEIS. Minor revisions to the text of the DEIS are addressed in Chapter 3 of this document (Errata).

The Agency Preferred Alternative is described in Chapter 2 of this document. Chapter 3 provides specific edits or corrections to the DEIS. All recorded verbal comments, letters received by the end of the comment period, and responses to substantive comments are located in Chapter 4.



## **CHAPTER 2**

# **AGENCY PREFERRED ALTERNATIVE**

This section of the FEIS describes the Agency Preferred Alternative. The FEIS Agency Preferred Alternative is the No Action Alternative.

Under the No Action Alternative, FWP would not issue a license for expansion of the BVR game farm as proposed. Implementation of the No Action Alternative would not preclude other activities allowed under local, state and federal laws to take place in the expansion area.

The No Action Alternative was selected based on potential significant impacts to native wildlife, blocking seasonal migration routes, and removal of critical winter range which could result from the Proposed Action. FWP has determined that these impacts could not be mitigated using reasonable mitigation measures.





## CHAPTER 3

### ERRATA

This chapter contains specific modifications and corrections to the BVR game farm expansion DEIS. These corrections and modifications were made in response to comments received during the public comment period.

Page 2-2, column 2, paragraph 2, line 4 is revised as follows:

*and (2) 1,800-acre pasture used to contain most of the elk and to conduct shoots (Figure 2-1). The shooter pasture is within the top one-third of the 1,800-acre pasture.*

Page 2-5, column 1, last sentence in paragraph 1 is revised as follows:

*The method of transferring game farm animals across Rye Creek road by the gated system is temporarily allowed by FWP and not yet approved by DoL (Figure 2-1).*

Page 2-5, column 1, last sentence of paragraph 3 is been revised as follows:

*Unmarked deer are the result of either unretrieved deer born in the pasture, ingress animals, or wild deer remaining in the pasture upon completion of the enclosure. The base number of wild deer left in the pasture included 7 mule deer and 1 white-tail deer. BVR has not been authorized to place any deer in the 1,800-acre pasture area until a plan to recapture and mark all deer has been submitted to, and approved by, FWP.*

*BVR operates quarantine facilities and conducts all disease and hybridization prevention activities required under ARM 12.6 Subchapter 15.*

Page 2-7, column 1, paragraph 2, beginning with the second sentence is been revised as follows:

*Corner posts would be 14-foot wood or steel posts set 4½ feet into the ground. The existing eastern perimeter fence of the expansion area includes metal T-posts which are less resistant to force than pressure-treated wood posts. To meet BVR's stated fence design, these would be supplemented or replaced with wood posts. BVR proposes to increase the effectiveness of the fence by reducing adjacent slope in steep terrain to 10 percent or less along fence lines (BVR 1996).*

Page 2-8, column 1, third sentence in last paragraph is revised as follows:

*Both fences would have 6-inch wire mesh running the full height of the fence.*

Page 2-8, column 1, paragraph 4, second sentence is revised as follows:

*Apply BMPs described in the publication Montana Forestry BMPs (MDEQ 1991) to perimeter fence clearings, roads, and road maintenance activities in the proposed expansion area.*

Page 2-9, column 1, second sentence in paragraph 3 is revised as follows:

*Additional holding facilities (catch pens) near the road crossing site would be required for this mitigation measure.*

Page 3-14, Table 3-2 has been revised as follows:

<b>TABLE 3-2</b> <b>SUMMARY OF WINTER RANGE MULE DEER POPULATION STATISTICS IN STUDY AREA</b>					
Winter Range	Approximate Acreage	Percent <sup>1</sup>	Approximate Number <sup>2</sup> of Wild Mule Deer	Density of Wild Mule Deer (Ratio of mule deer:acres)	Sustainable Population <sup>3</sup>
Rye Creek/west of BVR <sup>4</sup>	170	6	105	0.61	30
Existing BVR game farm	1,400	45	0	0	235
Proposed Expansion area	920	30	620	0.67	155
East of proposed expansion	600	19	135	0.22	100
Total Rye Creek	3,090	100	860	0.27	525
Deer Hollow winter range	2,420	0	410	0.17	410
<sup>1</sup> Percent of total Rye Creek critical winter range <sup>2</sup> Based on 1997 winter range count by FWP <sup>3</sup> Estimated number of mule deer the winter range can support in the long term; based on a sustainable density of 0.17 mule deer per acre. <sup>4</sup> Utilized by Deer Hollow and Rye Creek herds Source: Nielsen 19907c, FWP.					

Page 3-20, column 2, first sentence in paragraph 4 is been revised as follows:

*The BVR game farm is bisected by Rye Creek Road that provides access from the Bitterroot Valley to the Sapphire Mountains via the Rye Creek drainage. Ownership of Rye Creek Road is in dispute. The Ravalli County Road Department states the Rye Creek Road is a county road until*

*it reaches the U.S. Forest Service boundary whereupon it becomes a Forest Service road. Mr. Wallace asserts that the portion of Rye Creek road that is within BVR boundaries is owned by BVR.*

## **CHAPTER 4**

### **COMMENTS AND RESPONSES**

This chapter includes all public comments received during the comment period on the proposed Big Velvet Ranch game farm expansion DEIS. One-hundred and three public comments were received by FWP regarding the DEIS during the public comment period from April 23 to May 23, 1997. Of those comments, 50 were received verbally during the public meeting held in Hamilton May 6, 1997. Fifty-one written comments and two additional verbal comments by phone were received by the agency during the public comment period.

Comments presented during the public meeting were recorded and transcribed by Jeffries Court Reporting, Inc. The public meeting transcripts and all written comments are reproduced in this FEIS. Responses to each comment are indicated in the text of the recorded comments and on the back of each letter.

Substantive comments and questions from all oral and written commenters are reproduced with FWP's responses. Public comments are considered substantive if they relate to inadequacies or inaccuracies in the analysis or methodologies used in the DEIS; or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements on interpretations of impact significance. Comments which express personal preferences or opinions on the proposal rather than on the evaluation itself are included but are not specifically addressed.



**Commenters**

The following individuals provided verbal comments during the May 6 public meeting. Because comments were recorded by court recorder, spellings are phonetic and may not be correct. Commenter names are in the same order as they appear on the transcripts of the public meeting.

Harry LaFriniere  
Wes Woodgerd  
John Grove  
Len Wallace  
Bill Hager  
Larry Campbell  
Milt Datsopoulos  
Ira Holt  
Judy Davis  
Jim Duus  
Larry Scott  
Carter Strum  
Hanna Mauer  
Barbie Wallace  
Terry Klampe  
Howie Wolke  
Cliff Valenzano  
Michael Davis  
Stan Rauch  
Rose Marie Neuman  
Patrick Wallace  
Dale Gerrard  
Clancy Ralls  
Tom Farrenkopf  
Jack Ward

Kim Kofka  
Cal Ruark  
Robert Christ  
Shirley Bugli  
Jack Shubarth  
Matthew Davis  
Bernie Swift  
Lee Foss  
Ray Honey  
Linda Fox  
Carol Bancroft  
Dennis Palmer  
Brian Davis  
Steve Wilson  
Mike Skroch  
Dave Jones  
Jim Olson  
Jim Kearney  
Ben Deeble  
Justin Broadley  
Linda Duwarick  
Dale Burk  
Ellen Schubarth  
Tom Lobonc  
Art Callan

The following individuals provided written or verbal by telephone comments during the public comment period. Numbers beside each name refer to the number assigned to each letter reproduced in this FEIS.

Letter 1. Ted R. Carlson  
Letter 2. James Spence  
Letter 3. Joe Gutkoski  
Letter 4. Robert E. Carroll  
Letter 5. Nancy and Ron Osborn  
Letter 6. E. Northup  
Letter 7. C.J. Griffith  
Letter 8. Jim Posewitz  
Letter 9. Bernard W. Lea  
Letter 10. Suzanna McDougal  
Letter 11. H. Earl Butler  
Letter 12. M.E. "Gene" Quenemoen  
Letter 13. Paul Rosedahl (verbal)  
Letter 14. Bill Bethke & Joyce Bethke  
Letter 15. Stuart E. Crook  
Letter 16. Mike and Georgia Krosch  
Letter 17. Mrs. Jeannette Winters  
Letter 18. Rex Boller  
Letter 19. R. Schuelke  
Letter 20. Robert & Shirlene Cordle  
Letter 21. Kenny Ford  
Letter 22. Bob Cole  
Letter 23. Cris Faes  
Letter 24. Scott Spear  
Letter 25. Cate Campbell  
Letter 26. Ruth Caudill  
Letter 27. Kathleen Mauer  
Letter 28. James R. Olsen  
Letter 29. Arthur D. Callan  
Letter 30. Luella Schultz (verbal)  
Letter 31. Len Wallace  
Letter 32. Lee Foss  
Letter 33. Andy Kallmer  
Letter 34. Dennis Palmer  
Letter 35. John Grove  
Letter 36. Jack Mauer  
Letter 37. John Snyder  
Letter 38. Terry Klampe

Letter 39. Richard Taber  
Letter 40. Jack Iman  
Letter 41. Barbara Ruya Celrilski  
Letter 42. M M. La Moy  
Letter 43. Mike Daniels  
Letter 44. Stan Rauch  
Letter 45. Chris Marchion  
Letter 46. Harry A. LaFriniere  
Letter 47. Jim Bradford  
Letter 48. L.C. Scott  
Letter 49. Vince Fischer  
Letter 50. Peg Platt  
Letter 51. Hannah Mauer  
Letter 52. Dave Majors and Stan Frasier  
Letter 53. Lucas (illegible)

## **FWP RESPONSES TO SUBSTANTIVE COMMENTS**

All substantive comments are summarized in this section with FWP responses. Many of these comments were repeated by several individuals and, as such, represent a combination of similar statements. The response number is referenced in the text of the recorded comments and on the back of each reproduced letter.

Comments supporting selection of the Proposed Action or the No Action alternative are noted by FWP and do not require a response. These comments are listed at the end of this section under *Summary of Comments in Support of the Proposed Action* or *Summary of Comments in Support of the No Action Alternative*. All comments that relate to inadequacies or inaccuracies in the analysis or methodologies used in the DEIS; or that provide additional information; or identify new impacts or recommend reasonable new alternatives or mitigation measures; or involve disagreements on interpretations of impact significance are listed below with responses. Comments and questions are presented in normal type; FWP responses are presented in bold type. Responses to comments that result in a change in the DEIS are followed by (Errata).

**Comment No. 1**

*The environmental and social consequences of the currently licensed BVR game farm were evaluated based on the number of animals proposed to be placed in the game farm (150 elk), not on the number of animals that actually were placed in the game farm (approximately 900). Do not make the same mistake in the EIS for the proposed expansion. This EIS is arbitrary and meaningless without a limit to the permitted number of animals. Reevaluate the expansion proposal EIS based on the number of game farm animals that could potentially be placed in the game farm.*

**Response No. 1**

The Proposed Action specified a game farm animal limit of 300 elk and 60 deer to be placed in the expansion area. Because the applicant does not propose to place additional animals in the expansion area beyond the number stated in the expansion application, the EIS evaluated the Proposed Action and Alternative A based on that limit.

**Comment No. 2**

*We are concerned about our first amendment rights. We have the right to speak on issues without fear of intimidation, without receiving phone calls in the middle of the night, and without having our children threatened. These things have taken place.*

**Response No. 2**

If found to be credible, comments alleging that threats were made to discourage individuals from participating in the environmental review and licensing processes are factors that FWP may consider in its licensing decision. Such conduct might also be grounds for appropriate criminal charges.

**Comment No. 3**

*The EIS should include an evaluation of the effect of reduced animal density along Rye Creek and in BVR enclosures south of Rye Creek Road that would result from the proposed expansion.*

**Response No. 3**

Because neither the expansion application nor the Proposed Action indicate that animals currently contained in the BVR game farm area located south of Rye Creek road would be placed in the proposed expansion area, the EIS did not evaluate the effect of reduced animal density in the existing BVR game farm. A decrease in animal density in the area south of Rye Creek would not have a significant affect on Rye Creek because the riparian area along Rye Creek is now fenced to prevent access by game farm animals. Diversity, productivity or abundance of native vegetation in animal containment areas south of Rye Creek would not be expected to change with a decrease in animal density unless all game farm animals were removed from the area.

**Comment No. 4**

*The EIS should base its evaluation of wildlife impacts on the fact that, in the long term, the expansion area would only support 162 wild mule deer, not 400 to 600 mule deer.*

**Response No. 4 (Errata)**

Based on density of the stabilized Deer Hollow mule deer herd in winter range (0.17), we calculate that over the long term, the expansion area winter range (920 acres) would support a stable population of approximately 155 mule deer. However, because the expansion area currently contains mule deer that have been displaced from winter range by the existing game farm, the area is currently utilized by 620 mule deer (based on FWP spotting surveys). This density is not sustainable in the long term but does represent existing conditions. When the EIS evaluates impacts to existing conditions from the Proposed Action or alternatives, impacts to the 620 mule deer currently utilizing the expansion area are evaluated. Table 3-2 in the FEIS is modified to include the estimated sustainable population of mule deer for each winter range.



**Comment No. 5**

*The DEIS repeatedly mentions the county road through the Big Velvet Ranch. This is an error. The road is owned by the ranch for most of its length. It has a public easement to pass over it.*

**Response No. 5 (Errata)**

The Ravalli County Road Department maintains that the section of Rye Creek Road not owned by the U.S. Forest Service is owned and maintained by Ravalli County. The FEIS is modified in Chapter 3, under Land Use to acknowledge Mr. Wallace's claim to the portion of Rye Creek Road that borders his property.

**Comment No. 6**

*The number of animals listed as ingressing in Table 2-2 of the DEIS is not in line with the facts.*

**Response No. 6**

During the period between the establishment of the initial game farm fences in 1992 through March of 1997, FWP game wardens have documented ingress of 20 deer, multiple coyotes, 1 mountain lion and 1 black bear as stated in Table 2-2 of the DEIS.

**Comment No. 7**

*The cease and desist order imposed by Department of Livestock rules listed in Table 2-2 was issued in error.*

**Response No. 7**

The Department of Livestock (DoL) issued a cease and desist order for the use of a handling facility located outside of the perimeter fence of the BVR game farm on July 17, 1996. The order was not issued in error. The condition was corrected by December 5, 1996 when the enclosure was inspected and approved by the DoL.

**Comment No. 8**

*Are any items on the list (Table 2-2 of the DEIS) not addressed by Big Velvet Ranch?*

**Response No. 8**

BVR has resolved two items listed in Table 2-2 of the DEIS: a DoL violation regarding failure to notify DoL of a change in ownership of a bull elk and a DoL violation for the use of a handling facility located outside of the perimeter fence of a licensed game farm. While the remaining violations listed in Table 2-2 have been addressed to some extent by BVR, none have been resolved.

**Comment No. 9**

*The DEIS should state the number of cattle raised in the Bitterroot and the animal monthly numbers in the national forest. What were they 20 years ago and what are they now? How many more mule deer and elk can they support today that they could support sometime ago?*

**Response No. 9**

Because no cattle currently utilize the wildlife study area, impacts of the Proposed Action and Alternatives to livestock were determined to be nonsignificant and not evaluated in the DEIS. It is not within the scope of the EIS to evaluate how the Proposed Action and Alternatives would have impacted the study area under past conditions.

**Comment No. 10**

*The DEIS fails to point out that all the animals at the Big Velvet Ranch are tested here.*

**Response No. 10 (Errata)**

Existing Operations, Chapter 2 of the FEIS is modified to include the sentence "BVR operates quarantine facilities and conducts all disease and hybridization prevention activities required under ARM 12.6 Subchapter 15."

**Comment No. 11**

*The DEIS fails to point out that the wild population will not sustain TB unless in an artificially concentrated feeding situation.*

**Response No. 11**

There is currently inadequate available data to support the supposition that TB would not be self-sustaining in free-ranging animals.

**Comment No. 12**

*The EIS should state that the electrical supplemental wiring is "effective if maintained", not "ineffective and difficult to maintain".*

**Response No. 12**

The electrical supplemental wiring does not prevent nose-to-nose contact between wild game and game farm animals because it is difficult to maintain. The wiring, therefore, is ineffective and difficult to maintain.

**Comment No. 13**

*The Proposed Action is to install a single fence to meet the statutory requirements.*

**Response No. 13**

Montana FWP statutes requires licensees to maintain a game-proof fence [MCA 87-4-426 (2)a.]

**Comment No. 14**

*We should make sure that the current restrictions are enforced to the fullest extent (before approving the expansion).*

**Response No. 14**

BVR proposes to adhere to all legal requirements in the Proposed Action evaluated in the DEIS. FWP and other state and federal agencies are responsible for enforcing laws associated with the existing game farm and are currently working with BVR to resolve outstanding issues such as restoration of areas along Lowman Creek and the elimination of ingress events.

**Comment No. 15**

*Include a mitigation measure to impose road maintenance BMPs on cleared fence lines. The fence lines are a potentially greater erosion problem than the roads because they do not follow the grade of the land.*

**Response No. 15 (Errata)**

Fence lines have been used as road-ways during installation and for maintenance access by BVR. To clarify Alternative A, the FEIS is modified to include mitigating the impact of fence line clearings through the use of road maintenance BMPs under Project Alternatives, Chapter 2.

**Comment No. 16**

*Information supplied in the scoping meeting handout regarding the size and dates of previous expansions is inconsistent with the DEIS. The number of game farm animals licensed for each expansion is also unclear. Based on information provided in both documents, it appears that about 650 to 700 were put in the fourth expansion area of 100 acres. Clarify these numbers.*

**Response No. 16**

The dates and acreages listed in the DEIS for the initial game farm area and subsequent expansions are correct. The initial license and subsequent expansion licenses do not set a limit on the number of animals that may be enclosed in the area. The entire licensed area of the BVR game farm contains approximately 880 elk and deer. The numbers contained within each individual expansion area changes, however the majority of game farm animals are contained in the 1,800-acre area.

**Comment No. 17**

*Why are stipulations for managing elk not imposed on operations that manage horses and cows? How are they different?*



**Response No. 17**

FWP is not authorized to regulate the management of horses and cattle. Most livestock stipulations for horses and cattle are designed to prevent theft and control disease, while many elk game farm stipulations are designed to protect big game wildlife. Water quality requirements apply to all animal confinement operations.

**Comment No. 18**

*The EIS should evaluate the impact of changing land use from beef ranch to an elk game farm. Elk are assessed for taxes at \$12.00, \$21.32, and \$16.57 a head depending on age while beef cattle are assessed at \$4.51 a head. Based on tax rate and livestock numbers, BVR generates approximately \$10,000 per year in taxes compared to \$451 historically generated at the same ranch by running cattle.*

**Response No. 18**

Taxes paid on mature elk and deer by BVR go to Ravalli county, the Darby school district and the state. The breakdown for these three tax assessments is provided in Table 1.

**TABLE 1**  
**TABLE PERSONAL PROPERTY TAX**  
**(Per Head)**

Type/Age of Animal	Market Value	County Taxable Value	Darby School District	State Revenue
Elk (Bull) - 24 months and older	\$775	\$31.00	\$ 9.32	\$12.00
Elk (Cow) - 24 months and older	\$387	\$15.00	\$ 4.51	\$12.00
Deer (all) - 24 months and older	\$488	\$20.00	\$ 6.01	\$12.00
Cattle (stock bull) - 24 months and older	\$596	\$24.00	\$ 7.21	\$ 1.20
Cattle (cow) - 24 months to 32 months	\$298	\$11.00	\$ 3.31	\$ 1.20
Cattle (cow) - 32 months and older	\$298	\$12.00	\$ 3.61	\$ 1.20
Cattle (yearling calves)	\$000	\$ 0.00	\$ 0.00	\$ 1.20

**Source** Richards, Cheryl. 1997. Assessor's Office, Ravalli County, Hamilton, Montana. Personal communication (February 25, 1997 and May 15, 1997) with Linda D. Priest, Northwest Resource Consultants, Helena, Montana.

Based on rates shown in Table 1, individual elk and deer game farm animals are taxed at rates averaging approximately 30 percent higher than cattle. The amount paid in taxes by the BVR compared to that paid by a cattle rancher would be dependant on the taxing agency, and the sex and number of elk and deer compared to the age, sex and number of cattle.

**Comment No. 19**

*Rather than deny the application based on stream sedimentation, impose a mitigation measure to use fish emulsion as a fertilizer to maintain vegetation in riparian areas.*

**Response No. 19**

The use of a fertilizer would not prevent the loss of vegetation in riparian areas accessed

by game farm animals on a year around basis and would, therefore, not be an effective mitigation measure for the Proposed Action.

**Comment No. 20**

*The number used for the current deer population in the proposed expansion area seems inaccurate.*

**Response No. 20**

The number used for the current deer population in the proposed expansion area is based on an aerial survey conducted by FWP in January 1997. The survey was conducted after a snow fall which provided excellent spotting conditions for wild elk and deer. The resultant count represents only those deer spotted on the ground and may not include all deer that were present during the count.

**Comment No. 21**

*The EIS should give as much, if not more, room to the legal, political and cultural aspects of the evaluation as to the scientific.*

**Response No. 21**

It is not within the scope of an EIS evaluation under the Montana Environmental Policy Act (MEPA) to evaluate legal and political aspects of the Proposed Action and alternatives. Impacts to socio-economic resources and cultural resources were evaluated under Affected Environment (Chapter 3) and Consequences of the Proposed Action and Alternatives (Chapter 4) in the DEIS.

**Comment No. 22**

*The land conditions have improved at the ranch under BVR management in that there is less erosion now than before BVR began to manage the ranch.*

**Response No. 22**

Land conditions along Rye Creek have improved since the Montana Department of Environmental Quality (MDEQ) required BVR to

prevent animal access to the creek. It is not within the scope of the EIS to evaluate past changes in land conditions in the existing operations. Potential impacts to land conditions from the Proposed Action and alternatives are presented in Chapter 4 of the DEIS.

**Comment No. 23**

*The evaluation of impact to winter range is flawed in that there is more available than stated in the DEIS. The DEIS does not recognize an additional 6,000 + acres that surround the expansion area that is not in the 5,500-acre area shown on Map 2-1. Yet the watershed study area (Map 4-1) takes in about 103,000 acres. Nor does the EIS address the fact that within the water resources study area (18 by 9 miles), there are two large ranches of 1,000 acres and 2,000 acres that have conservation easements on it for elk and deer habitat. Also, the elk ranch and neighboring ranches have had their national forest grazing leases of over 1,500 animal units taken away to give more grazing to elk and deer. In addition, Darby Lumber has harvested timber from about 11,000 acres, creating excellent deer and elk habitat which was not included in the study area, yet it borders the expansion area.*

**Response No. 23**

The DEIS evaluated wildlife resources potentially impacted by the Proposed Action and alternatives (the Rye Creek elk and mule deer herds). The Wildlife Resource study area was expanded beyond the Rye Creek winter range to include the Deer Hollow winter range for direct and indirect impacts because the Deer Hollow winter range would potentially be impacted by changes in the Rye Creek winter range and because the Deer Hollow winter range provides baseline conditions for evaluation of cumulative impacts to the Rye Creek herd from past, present and reasonably foreseeable activities. The cumulative effects study area for impacts to wildlife does include the entire area shown for watershed cumulative effects in Figure 4-1.

All winter range that would potentially be utilized by Rye Creek mule deer displaced by the proposed expansion is shown on Figure 3-1 of the DEIS. As stated in the DEIS, mule



deer tend to migrate to the same winter range area each year as is evident by the fact that 755 mule deer, many of which were displaced from the previous BVR expansion area, currently utilize an area (the remaining Rye Creek winter range east of the existing game farm) that can sustain a stable population of only 260 mule deer in long term. Alternative critical winter range, characterized as having south-facing slopes at elevations less than 5,000 feet and covered with an adequate supply of browse with no competing herd in place, is not available to the Rye Creek herd. Critical winter range in watersheds distant from Rye Creek may be available. Use of these distant winter ranges would require vehicular relocation of the Rye Creek herd. This mitigation measure was not considered because it would impose unreasonable economic costs on the applicant.

**Comment No. 24**

*Regarding Section 3-14, Table 3-2 of the DEIS: the proposed expansion area of 920 acres currently has 620 mule deer which is a density of 0.6. The proposed expansion area currently has 725 elk and deer with a density of 0.78. You take the Deer Hollow area, 2,420 acres, 860 mule deer, at a density of 0.17. Take the displaced 725 animals and put them in the Deer Hollow area for a density of 0.65. That is still less than what is currently being managed by FWP in the Wallace expansion area.*

**Response No. 24**

A density of 0.65 deer per acre is not sustainable over the long term. The current Deer Hollow density of 0.17 deer per acre represents a sustainable, stable mule deer population for winter range utilization in the region.

**Comment No. 25**

*What is the Heritage Department and what are they doing?*

**Response No. 25**

The World Heritage Committee is a United Nations task force charged with evaluating the integrity of environmentally sensitive areas throughout the world. Because the BVR game farm is not located near a World Heritage Site, such as Yellowstone National Park for example, the Heritage Committee would play no role in evaluating potential impacts from the Proposed Action.

**Comment No. 26**

*The EIS should address more of the positive aspects of the Proposed Action.*

**Response No. 26**

The DEIS evaluated all substantial positive and negative impacts to resources of concern for the Proposed Action and alternatives.

**Comment No. 27**

*The DEIS has inadequate baseline information on the health of surrounding wildlife populations including small mammals and avian species. More baseline data is needed on wildlife habitat and surrounding environmental health. The EIS should place more emphasis on the immune status and parasite load of surrounding wildlife populations.*

**Response No. 27**

The description of the affected environment was based on existing information, data collected by the EIS team during a site visit, information provided by Mr. Wallace, and the experience and records of local FWP game wardens. No data is currently available on the immune status and parasite load of surrounding wildlife populations.

**Comment No. 28**

*It seems the operation should be actionable under the Resource Conservation Recovery Act (RCRA).*

**Response No. 28**

The Proposed Action does not include management of hazardous waste which is addressed under RCRA, Subtitle C.

**Comment No. 29**

*The game farm was supposed to build a double, nine foot fence which they did not. Rather they were allowed to erect an "alternative experimental" design which is only 8 feet, 4 inches high. It is my understanding that the fencing requirements are to insure keeping the game farm animals and native wild life species separated for health purposes. Why wasn't the issue of the fence alone never followed up on?*

**Response No. 29**

The currently unresolved issue of the perimeter fence around the existing game farm is not within the scope of this EIS. It is a compliance issue that may be considered in the Record of Decision for the license application.

**Comment No. 30**

*The cumulative impacts related to wild mule deer are not adequately analyzed in the DEIS. The FWP department rules relating to environmental impact statements define "cumulative impact" to include collective impacts related to the Proposed Action by location or generic type (ARM 12.2.429(7)). The cumulative impacts associated with the estimated loss of 75% of mule deer habitat and expected long term herd reduction of 650 deer (DEIS pg. 4-8) are particularly "critical" in light of the dramatic statewide decline in the mule deer population. The statewide impact due to the loss of habitat in Rye Creek constitutes a "substantial" loss of wildlife resources for the state.*

**Response No. 30**

The area of analysis for cumulative effects in an EIS is determined by the radius of influence from the Proposed Action. While the cumulative impacts of the Proposed Action and past, present and future actions would have a significant impact on wildlife in the cumulative impacts study area, the loss of the Rye Creek mule deer herd to the entire state population of mule deer is not significant. As a result, the entire state was not included in the cumulative effects study area.

FWP recognizes that statewide numbers of mule deer are declining. Currently there are no accurate state-wide data on mule deer numbers or on the rate of decline. However, FWP has been monitoring and evaluating mule deer herds in the Bridger Mountains where mule deer populations have been steadily declining. The reduction in mule deer in the Bridgers is the result of poor recruitment of the fawn-age class and stressed does due to over-winter mortality. Over-winter mortality in the Bridgers is attributed to a combination of hard winters and less available winter range.

**Comment No. 31**

*The DEIS does not include the 1996 disease outbreak of Cryptosporidium at the Big Velvet Ranch which caused the death of 30-40 elk.*

**Response No. 31**

The DEIS did not include this information because the disease outbreak did not violate any rules or regulations. Because Cryptosporidium tends to occur in areas of concentrated animals and standing water, this disease is unlikely to occur in the proposed expansion area.

**Comment No. 32**

*Given the history of compliance problems with water quality laws, this operation must be required to include environmental resource monitoring as a condition of the FWP license.*

**Response No. 32**

Environmental resource monitoring, such as for water and air, are imposed by agencies that have jurisdiction over those resources (e.g., MDEQ). As stated in the DEIS (pg. 2-7), BVR would monitor (keep records of) game farm animals in accordance with Title 87, Chapter 4, Part 4, MCA. Alternative A of the DEIS imposes stipulations to address potential water quality problems from erosion and sedimentation, and disturbance of riparian areas.



**Comment No. 33**

*None of the potential impacts and possible mitigation options associated with water quality problems in the existing game farm and the Concentrated Animal Feeding Operation (CAFO) permit are analyzed in the DEIS for the game farm expansion.*

**Response No. 33**

The CAFO permit is mentioned in Table 2-2 (pg. 2-6) of the DEIS as a notice of violation requirement from MDEQ. The CAFO permit would apply to the holding pen areas near Rye Creek and may not be required for the proposed expansion. Therefore, impacts from the existing game farm are discussed only in the Cumulative Effects section in Chapter 4 of the DEIS, and mitigation measures are not specified for the existing game farm in this EIS. Alternative A of the DEIS imposes stipulations to address potential water quality problems from erosion and sedimentation, and disturbance of riparian areas

**Comment No. 34**

*Rye Creek should be evaluated by MDEQ for getting the creek on Montana's list of impaired waters and identifying a schedule for total maximum daily load (TMDL) development. These steps should be taken prior to any issuance of a license for an expanded game farm operation that will cause additional water quality problems.*

**Response No. 34**

It is the responsibility of MDEQ to establish threatened or impaired state waters and to allocate TMDLs for those waters (see Act amending the water quality laws passed under House Bill 546). This will not be imposed by FWP as a condition for issuance of a game farm license.

**Comment No. 35**

*A new license can not be issued with pending violations of the existing operation without the risk of violating a provision in the game farm licensing law which states that licenses may not be issued to an applicant who has been convicted of or who has forfeited bond of \$100 or more for more than one*

*violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to the application (MCA 87-4-426(1)(b)).*

**Response No. 35**

Evaluation of violations committed by a license applicant in an area that is not part of the Proposed Action is not within the scope of a MEPA EIS when addressing direct and indirect impacts unless the applicant proposes to commit the violations in the Proposed Action. Chapter 4 of the DEIS addresses the environmental impacts of past and pending violations as part of the cumulative effects analysis as they relate to the Proposed Action. FWP will consider the requirement cited under MCA 87-4-426(1)(b) when developing the Record of Decision.

**Comment No. 36**

*The DEIS fails to address the importance of these violations by neglecting to include the adequate resolution of these charges as additional mitigation measures required by the license.*

**Response No. 36**

Mitigation measures are designed to mitigate significant impacts that may result from the Proposed Action. The applicant does not propose to commit violations of any law in the Proposed Action.

**Comment No. 37**

*Any mitigation to improve fencing of the proposed expansion is completely ineffective unless fencing of the entire game farm is included in this requirement. The current fencing problem must be resolved before FWP considers the issuance of a new license for expansion.*

**Response No. 37**

The DEIS includes mitigation measures associated with the proposed expansion area only. Mitigations that may be imposed by FWP on the existing game farm are outside the scope of this EIS.

**Comment No. 38**

*Department of Livestock requests the following changes in the DEIS:*

- *shooter pasture is only within the upper 1/3 of the 1,800-acre expansion*
- *unmarked deer in the existing game farm are also those given to BVR by FWP and their progeny because they were not removed from the pasture during closure.*
- *east side of proposed expansion area does not have pressure-treated wood posts in the fence, but structurally less secure metal T-posts.*
- *typo on page 2-8, 1st column, five line from bottom. Change 60 inch to 6-inch.*
- *add to mitigation measures that no base number of animals would remain in the enclosed expansion area.*

**Response No. 38 (Errata)**

The FEIS contains these changes.

**Comment No. 39**

*The DEIS should mention the number of mule deer in Montana and how many were killed on highways in Montana.*

**Response No. 39**

These issues are outside of the scope of the EIS.

**Comment No. 40**

*The DEIS should conclude that erosion would be reduced in the expansion area because the number of animals will be reduced from 650+ to 300. Some of the 300 animals will come from enclosures next to Rye Creek which would also reduce sediment to Rye Creek.*

**Response No. 40**

Potential direct and indirect impacts to surface water due to erosion and sedimentation are presented in the DEIS on pages 4-2, 4-3, 4-4, 4-5 and 4-6. An increase in erosion is predicted

due to utilization of the expansion area by animals on a year-around basis as opposed to winter range use, and road use and maintenance activities. Because the applicant did not propose to stock the proposed expansion area with elk currently contained in the enclosures next to Rye Creek in the license application and Proposed Action, and because BVR is not required under their current license to reduce the density in the existing game farm, a reduction of density in the existing game farm as a result of the Proposed Action was not evaluated in the DEIS.

**Comment No. 41**

*The EIS says to install a double fence. Yet nowhere do they have any information that a double fence is going to work any better than a single fence. Nowhere do they show a study that tells you any deer or elk can jump a 9-foot single fence.*

**Response No. 41**

The rationale for requiring installation of a double fence under Alternative A is presented in the DEIS on pages 2-8, 4-10 and 4-11.

**Comment No. 42**

*Is it possible that TB infection could pass from wild deer to domestic deer?*

**Response No. 42**

There is currently no known cases of TB in wild deer in Montana. If TB was present in wild deer in Montana, it could be passed to game farm deer if the game farm deer were inadequately contained.

**Comment No. 43**

*Transporting animals across Rye Creek road using a truck rather than walking them across is not practical or feasible from a technical and economic standpoint. Because that portion of Rye Creek road is owned by the Wallaces, it is also private property, not county property.*



**Response No. 43**

The requirement for transport of game farm animals by vehicle across Rye Creek road is listed under Alternative A, Proposed Action with Mitigation Measures. This measure was requested by the Department of Livestock to reduce the risk of game farm animal egress, contact with wildlife, and accidents on Rye Creek road. The rationale for vehicular transport is presented on page 2-9 of the DEIS.

**Comment No. 44**

*The road count was taken during prime logging time and is way off under current use.*

**Response No. 44**

The road count data shown in the DEIS on page 3-20 were the most recent road count available. The data were presented in the DEIS as a 1990 road count that was composed primarily of logging traffic. The Ravalli county road department stated that the road count has probably not changed appreciably since it was last taken.

**Comment No. 45**

*It has been several years since FWP has had to stop hunting early because the game kill has exceeded the number they wanted to kill in Hunting Area 270. Several years I can remember the hunting season being extended to try to kill more animals. There should be no negative impact to the number of displaced elk and deer especially since most of the grazing permits have been pulled or greatly reduced in this area.*

**Response No. 45**

The hunting season for Hunting Area 270 has been limited to the general season for many years and has not been extended. The Forest Service has reduced the number of grazing permits in summer range throughout the state.

The number of grazing permits in summer range is not pertinent to this EIS. As stated in the DEIS (page 4-8), the hunting season may be extended in Hunting Area 270 to reduce the density of deer utilizing the Rye Creek winter range which would result in a short-term positive impact for hunters and a negative impact to the number of deer.

**Comment No. 46**

*The DEIS did not include information provided from anyone other than employees or subcontracts of FWP regarding quality of life and property value issues.*

**Response No. 46**

Evaluation of the socio-economic impacts of the Proposed Action was based on information collected during the scoping period of 58 oral and written comments, (most of the commenters live in the vicinity of the DEIS study area), and from 14 additional sources cited in Section 6 of the DEIS. Because FWP does not typically collect socio-economic data, none of the sources used for evaluation of socio-economic impacts were employed by FWP.

**Comment No. 47**

*The DEIS does not list the criteria against which the application for the license will be judged. We think they should be.*

**Response No. 47**

Applicants for game farm licenses and expansions are required to comply with all requirements described in the DEIS on pages 1-2 through 1-5. The EIS is an evaluation of how the applicant's proposed expansion design and operation may impact the human environment. Whereas, the licensing decision may be based on factors other than, and in addition to, results of the FEIS.

## **SUMMARY OF COMMENTS SUBMITTED IN SUPPORT OF THE PROPOSED ACTION**

Several commenters requested that FWP approve the Proposed Action. These comments do not require a response but are noted below by FWP. Commenters requested approval of the Proposed Action because of one or more of the following reasons:

- the BVR expansion is a legal business, authorized by the legislature;
- the Wallaces respect Montana, respect its laws, and are attempting to comply...it is the attempt to comply that is important;
- the BVR game farm is a vital tourist attraction;
- a game farm is preferential to a subdivision in the same area;
- the BVR game farm is a beautiful elk ranch;
- denial of the expansion would deprive the applicants of their constitutional rights regarding private property;
- denial of the expansion application would be inconsistent with other similar state licensing actions such as the approval of Ted Turner's game farm;
- denial of the expansion would result in a takings of private property by the state;
- future state requirements currently under discussion by a negotiated rule-making committee will reduce or eliminate the major concerns stated in the EIS, such as the potential for hybridization of wild game resulting from game farms to occur, and will improve fencing requirements to prevent ingress/egress events;
- there is no law that says property owners must provide wildlife habitat;
- the BVR game farm manages creek water and knapweed better than other local ranches that keep horses and cattle;
- the value of the BVR ranch has increased under Wallace's management;
- the harvesting of unusable male animals, no matter what method we use, is as appropriate as the killing and harvesting of steer cattle;
- Montana quarantine requirements and game farm regulations are the most strict of anything that we have in the nation today and as such, are adequate for the proposed action;
- BVR contributes more tax money to Ravalli county than any previous cattle operation on the same ranch;
- the game farming business is a business opportunity that should be available to people living in the Bitterroot valley now and in the future;
- viewing BVR game farm elk provides bow hunters with an opportunity to observe the elk in their own natural characteristics which enables them to become better bow hunters;
- the BVR game farm is one of the best managed game farms in the state and will operate a well-managed expansion area;
- the history of regulatory compliance by BVR far exceeds the few times that it has not been in compliance;
- implementing the proposed action will reduce the density of animals in the proposed expansion area; and
- implementing the proposed action will reduce the density of animals currently contained in the existing BVR game farm.



## **SUMMARY OF COMMENTS SUBMITTED IN SUPPORT OF THE NO ACTION ALTERNATIVE**

Several commenters requested that FWP select the No Action Alternative. These comments do not require a response but are noted below by FWP. Commenters requested the No Action Alternative because of one or more of the following reasons:

- impacts to the resources as described in the DEIS;
- history of noncompliance with environmental and game farm rules and regulations;
- projected impacts to wild game and fish;
- projected loss of wildlife habitat, reduction in available wild game to hunters, resultant impact to tourism;
- documented damage to water, fish and wildlife caused by the BVR;
- economic impact to state agencies to regulate the BVR;
- history of irresponsible management of environmental resources (no best management practices, or BMPs, for road construction, watershed destruction, destruction of lower Rye Creek riparian areas, poor weed control);
- game farm hunting is offensive to most sportsmen and sportswomen and is not consistent with the ethic of fair chase;
- diversion of public money from enhancement and protection of wildlife to protection of a private enterprise;
- use of hunting and fishing license fees for enforcement of game farming which is an activity that is not condoned by most people who pay those fees;
- potential violation of the water quality nondegradation law;
- the proposed expansion will interfere with migratory patterns, wildlife breeding grounds, rearing grounds, calving areas and wintering areas;
- people have a right to do what they want to with their own property, to the point where it does not effect everybody that's around you;
- the 6-inch square wire fence, would block flight patterns of hunting raptures;
- game farm animals could spread disease and genetic hybridization to the wild population;
- regulations governing game ranches and the interstate movement and disease control of animals are inadequate or unavailable to protect wildlife conservation;
- in addition to impacts to big game wildlife, the proposed action is also likely to impact small animals;
- the number of game farm animals proposed for the expansion area is far to large for the land to accommodate;
- potential damage to Rye Creek and the downstream surface water and groundwater quality;
- if BVR is allowed to expand, the number and size of game farms in Montana will continue to grow;
- there will be fewer opportunities for big game hunters to hunt because of impact to wildlife migration routes and an increase in disease;
- if the electric single fence is ineffective, a single fence design around the expansion area would also be ineffective;
- elk deserve respect and the right to be forever wild;
- the threat to the native elk population by disease as documented by the State of Wyoming;

- 
- smaller and less healthy wild herds will result from allowing additional game farms;
  - because of the tentative approval of a single fence around the previous expansion, requirements for a double fence may be susceptible to a legal challenge resulting in an unacceptable fence design for adequate containment;
  - the Wallace game farm does not have the right to limit the public's use of wild animal populations, by disease and general decline, for their own profit;
  - Alternative A does not adequately mitigate the need to deny the application;
  - under the game farm license law, MCA 87-4-426(3), an application for a license may be denied "if necessary to prevent public safety hazards or significant negative impacts to Montana's wildlife resources." The denial must be based on one or more of the following potential impacts:
    - a. substantial loss or destruction of critical seasonal game animal habitat;
    - b. blockage or disruption of major traditional seasonal migration corridors or major travel routes;
    - c. unacceptable threat of introduction or transmission of serious diseases, as determined by state veterinarian; and for
    - d. unacceptable threat of escape of captive game farm animals and establishment of feral populations that would result in habitat damage or competition with or genetic pollution of native wildlife populations.
-



**TRANSCRIPTS**

**PUBLIC MEETING**

**BIG VELVET GAME FARM EXPANSION**

**DRAFT ENVIRONMENTAL IMPACT STATEMENT**

**CITY HALL**

**223 South Second Street**

**Hamilton, Montana 59840**

**Tuesday, May 6, 1997**



HARRY LaFRINIÈRE:

My name is Harry LaFriniere, I'm with Ravalli County Fish and Wildlife Association. Big Velvet Game Farm expansion best management practice have been ignored in road and fence construction. State Water Quality and Federal Clean Water Act Permits 310 and 404 were not obtained. We need to deal with these problems now. Ravalli County Fish and Wildlife Association is requesting you disapprove the expansion application, alternative two, no action. This request is made by reasons listed below. Bitterroot Conservation District. And the four organizations concerned, I talked to all those folks today and got an update. And this is 19 February '97, proposed expansion. Adverse impact to Rye Creek and Lowman Gulch. Unstable stream banks, severe degrading of riparian area, degrading of water quality caused by animal waste. That's Bitterroot Conservation District. State of Montana, Department of Environmental Quality, 27 March '97: Not in compliance with actable water quality law. Suspense date 1 November '97. To date not much commitment has been received. And I've got a certified letter I got from those folks today. US Army Corp of Engineers. 17 September '96. Inspections: Significant amount of restoration still needs to be completed. We will not authorize any additional pond construction, stream modification, water withdrawal, culvert installation, any other activity that involves a discharge of dredge or field materials. We'll inspect in near future and will coordinate with other agencies. Department of Fish, Wildlife and Parks. I've got a current list and numerous other folks are going over these ingress and degress -- I'm getting close, so I'll just give up there. But I spent part of today talking to these agencies trying to get more information, and anybody that's really interested and wants the facts, call Bitterroot Conservation District, the State of Montana Department of Environmental Quality, US Army Corp of Engineers and Department of Fish, Wildlife and Parks. Thank you.

**Comment noted. Refer to Summary of Comments Supporting the No Action Alternative.**

WES WOODGERD:

My name is Wes Woodgerd, I'm here tonight representing myself. I'm a hunter and a fisherman, and I have no particular interest in the game farm except as it impacts the game and fish outside of the fence. The draft EIS documents the problems that the current game farm has and the problems that have been externalized to the population outside. The expansion would certainly only exacerbate this problem. And I can only recommend that the request for expansion be denied. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

JOHN GROVE:

My name is John Grove, I'm here tonight to speak for Friends of the Bitterroot. I'm authorized to do that. The Friends of the Bitterroot support a no-action alternative to reject the permit to expand the Big Velvet Game Farm. Friends of the Bitterroot also request the permit for the current permit be revoked. We have four primary concerns which have led us to this decision. First, the wildlife in the area cannot afford the loss of habitat, particular for mule deer herd that has used the expansion area for winter range. Loss of this range will dissimulate the herds. This means less meat on the table for some hunters in the Darby area and further degradation of wildlife values in the area. Values which are cited is the primary reason for the new surge of tourism. The loss of habitat extends to Rye Creek because of the practices, some apparently illegal in the operation of the game farm. The entire community depends on clean water and good fisheries that according to the record have been significantly degraded. This brings us to the second point, the failure to comply with existing permit. We cite the infractions listed in the draft EIS as evidence. The Big Velvet Game Farm permit is a public property issue. I remind the Fish and Game Department that the permitting process is important for activities that have the potential to harm the public as a whole. Those who would say that we should not regulate potentially harmless activities on private land need to remember the regulations. There's a reason we have safe drinking water, good health care, safe air travel and numerous other social activities that we take for granted in this country. A visit to a country that does not have these regulations makes a convincing case.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

The third part is that the approach of the environmental analysis is significantly flawed. This draft EIS repeats the mistake made in the evaluation of the current permit. The environmental and social consequence of the current permit were based on impact of 150 animals because the permit did not do the obvious, limit the permit to 150. We now have a game farm of around approximately 900. The original analysis needs to be redone, even if the permittee cannot comply with the revisions.

**Comment noted. Refer to response No. 1.**

We have another concern and that is first amendment rights. We had numerous threats, and that kind of thing. Our organization, our membership, does not condone that kind of behavior. Thank you.

**Refer to response No. 2.**

LEN WALLACE:

Regarding the draft EIS, the EIS fails to point out the effect of the reduced animal populations along Rye Creek and those enclosures, which is the main reason for the expansion.

**Refer to response No. 3.**

The draft EIS repeatedly refers to 400 to 650 mule deer in the expansion area. However, it fails to make it adequately clear that the long term -- in the long term the area can only support 162 mule deer. mule deer is what it should be talking about, not 650, 500, 450 or any other number.

**Refer to response No. 4.**

The draft EIS repeatedly mentions the county road through the Big Velvet Ranch. This is an error. The road is owned by the ranch for most of its length. It has a public easement to pass over it.

**Refer to response No. 5.**

In the table of violations 2-6, the ingress report is not available. I asked for a copy of the ingress report on 4-1, 4-10, and 4-28. The number of animals in that report is not in line with the facts and I don't have the information from Fish, Wildlife and Parks, so I can't comment on what it says.

**Refer to response No. 6.**

Five of the items on that list are for the same problem. Little bit silly, I think, to list it that way.

**Comment noted.**

The one item from the Department of Livestock, the cease and desist order, was issued in error as we showed the Department of Livestock.

**Refer to response No. 7.**

And I would get down to this point: Are any items on the list not addressed by Big Velvet Ranch? I don't think you'll find any.

**Refer to response No. 8.**

The draft EIS fails to mention the number of cattle raised in the Bitterroot and also the animal monthly numbers in the national forest. What were they 20 years ago and what are they now? How many more mule deer and elk can they support today that they couldn't support sometime ago?



**Refer to response No. 9.**

As far as the hybrids, the draft EIS repeatedly discusses hybrids. It fails to point out that all the animals at the Big Velvet Ranch are tested here.

**Refer to response No. 10.**

And on the disease issue, the draft EIS fails to point out that in studies ad nauseam, the wild population has failed to sustain TB, tuberculosis, et cetera, unless in an artificially concentrated feeding situation.

**Refer to response No. 11.**

Also the electrical supplemental wording should be effective if maintained, not ineffective and difficult to maintain.

**Refer to response No. 12.**

And also, several fence themes are mentioned. We would install a single fence to meet the statutory requirements. Thank you very much for your help.

**Refer to response No. 13**

**BILL HAGER:**

My name is Bill Hager, from Hamilton. Mr. Wallace mentions the capacity of the additional range regarding mule deer. I hope he's not using statistics that are based on the way a game farm would operate with a fence around it. Mule deer don't operate in the wild that way. There's been a move of foot in the state and there is now, to try to close all game ranches. And perhaps one of the reasons for that is that we have regulations that govern those ranches and the regulations and the restrictions are being violated daily. They're not being enforced, and perhaps if the State did the job of regulation that it's supposed to and enforcement of those regulations, perhaps we wouldn't have the problems that we have.

**Comment noted.**

Obviously we have a situation here where we have a repeated offender of the restrictions. We are considering adding giving a lollipop to somebody who does not obey the rules, and I think before we do anything like that, we should make sure that the current restrictions are enforced to the fullest extent.

**Refer to response No. 14.**

**LARRY CAMPBELL:**

My name is Larry Campbell from Darby. I'm here tonight to advocate for the protection of public property, public interest and this public process. Given the record of damage and the ongoing documented damage to water, fish and wildlife caused by Big Velvet Ranch, I support the no-action alternative.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Alternative A, the proposed action with mitigating measures, is significantly flawed as it stands. The maximum number of permitted animals should be specified in order to avoid repeating the mistake made on the permit where the impact of animals was analyzed, but where about animals now impact the land and the water. I would suggest there has never been a legitimate environmental analysis done on the existing operation, and that this environmental impact statement is arbitrary and meaningless without a limit to the permitted number of animals.

**Refer to response No. 1.**

Also, Alternative A should stipulate that best management practices, BMPs, be followed in constructing fence lines as well as for roads. The fence lines are a potentially greater erosion problem than the roads because they do not follow the grade of the land.

**Refer to response No. 15.**

Finally, I will comment on this legally mandated public process. This public hearing is held because public property and public interest are at stake. There has been a campaign of phone calls attempting to intimidate me and others from speaking here tonight. Barbie Wallace threatened to ruin my reputation by falsely accusing me of various crimes if I spoke out here tonight. This campaign of threats is in a front to democracy and to our constitutional rights. It obviously didn't work, I'm here speaking tonight and I will not sacrifice my right to speak because of fear and intimidation. Thank you.

**Refer to response No. 2.**

MILT DATSOPOULOS:

My name is Milt Datsopoulos. I'm here representing the Wallaces and the Big Velvet Elk Ranch; I'm also here as a resident of Montana. I was born and raised here and obviously choose to live here because of the environment that we have. The Wallaces moved here in because they chose to live in Montana and they chose to engage in a business that is legal and authorized by the legislature.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

They have made application following the legal process, they've sought counsel and paid for expertise to make sure they comply. I've represented many folks in a lot of processes, most of the time involving engagements with government regulators, and my concern is not only the protection of the public, but the protection of us people as private citizens and the protection of our private rights. There is a lot of folks here today that have personal agendas and have decided to use their personal agendas to try to make it appear that it's illegal or improper or these folks are acting irresponsibly. That's factually not true. I've personally taken a tour of the ranch; I've made inquiries in Helena, and I believe that anybody that takes the time and has the fairness of mind to review this process would see that the Wallaces respect Montana, respect its laws, and are attempting to comply. They have constantly engaged in dialogue with our officials, three of which are sitting here; they have requested assistance in complying and they have complied. There is not one business in the state of Montana that does not engage in some violation inadvertently and without intention. This is the case here. It's an attempt to comply when that violation occurs that's important.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

I think we ought to all recognize what's going on here. And that's an intrusion on private property rights, an intrusion on the rights of privacy,

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

and a gang mentality to try to force people from exercising their legal right to engage in game ranching. And let me tell you folks. If this attitude and this mentality prevails, who's next and what type of approach is going to be taken next to drive people from legitimate exercises of private property and the legitimate exercises of the rights of business? And I ask you to think carefully in this regard. We've reviewed the application, we reviewed the proposal, we feel it fully complies and that these folks have the right to expand their business. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**



**IRA HOLT:**

My name is Ira Holt, I'm a citizen of Ravalli County speaking on my own behalf. One of the things that I'd like to bring up and has been mentioned by some of the other speakers here before is a subject of some of the numbers. On the original hearing on February 19th, '97, we were handed a one-sheet summary of some of the history of the game farm. There were listed the original applications approved in April of '92 for 40 acres and 57 elk. Expansion No. 1 was August of '92, listed no area or numbers. Expansion No. 2 was in September of '92, 37 acres and again no number of animals. Expansion No. 3 was in February of '93, 1800 acres and an increase to 150 elk. Expansion No. 4 was in September of '93, an additional hundred acres, again no mention of number of animals. In the draft environmental impact statement on page 2-2, there is another summary of the history of the game farm. It lists acreages for each one of these actions but no numbers. Some of the dates vary a little bit, some of the area varies a little bit. The original application was listed as July of '92 for six acres and again no number of animals. Expansion No. 1, August of '92, 25 acres. Expansion No. 2, September of '92, 13 acres. Expansion No. 3, April of '93, 1800 acres. Expansion No. 4, September of '93, 100 acres. In both of those documents, there were summaries listed, the first one that was listed in February listed approximately 2,000 acres, 792 elk, 36 mule deer, 35 white tails. The draft environmental impact statement lists 1944 acres, approximately 828 elk, 30 mule deer, 34 white tail. My simple addition and subtraction says that if Expansion No. 3 increased the herd to 150 elk and Expansion No. 4 increased another hundred acres and there's now approximately 800 or 900 elk on the property, that means there's somewhere around 650 to 700 elk that were put on a hundred acres. The current expansion is 1100 acres.

**Refer to response No. 16.**

If the same ratio holds, that means we'll be adding somewhere around 7,000 to 7400 elk. I'd like these numbers clarified. Thankyou.

**Refer to response No. 1.**

**JUDY DAVIS:**

My name's Judy Davis and I'm from Corvallis. I'm a mother of nine children and my main issue is property rights. I am a property owner and I'm here to resist the people who are trying to have more government control over our properties. I am concerned for my children's future.

**Comment noted.**

This nation was built upon freedom, freedom of religion, freedom to build free enterprises, to raise and support our families, and freedom and opportunity to own our own land. Why do these organizations insist on we the people paying for our land, paying the taxes on our land, and the liberals and environmentalists who are not native Montanans usually, move here and they want to tell us how to use our land? Or even better yet, tell us that we can't use our land.

**Comment noted.**

We are tired of their lies and their half truths, the Wallaces have built an exemplary ranch. And if this land that the Wallaces want to expand on was so vital to these liberal organizations, why didn't these liberal environmentalists put their money where their mouth is? The land's for sale. This particular piece of land has been for sale for seven years. The Wallaces paid for this land, Wallaces pay the taxes, and the Wallaces have improved it. Now these liberals and environmentalist groups want it free. Just a few short weeks ago, when the Wallaces went to Primary Children's Hospital for tests and received the bad news about their baby Michael's heart, Wallaces came home to their children's collie mutilated. This is outrageous and there is an outcry from many concerned citizens over this tragic episode. Talk about crying for animal rights, how dare they. How dare these liberals and environmentalists harass and insist on taking over our rights as Americans.

**Comment noted.**

What is the difference between elk, horses and cows? Elk and cows you eat. What do you do with horses? They're more for enjoyment, but we don't put all these stipulations on the cows and the horses.

**Refer to response No. 17.**

Let the Wallaces expand and they can continue improving our beautiful Bitterroot Valley, and this is a vital tourist attraction and we need them.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

JIM DUUS:

My name is Jim Duus. I am very familiar with the land Mr. Wallace owns and the Rye Creek drainage in general. I ran cattle and horses for about 50 years in most of the area that is now Mr. Wallace's. In running cattle in that area, I had the opportunity to ride horseback, walk, Jeep and fly the area in spring, summer, fall and winter. I was surprised to learn that the land Mr. Wallace owns is wearing 5, 600 head of deer according to the Fish and Game. I was always glad to see 150 to 200 deer from the mouth of North Fork and Rye Creek to Deer Hollow in all them years.

**Refer to responses No. 4 and 20.**

In checking with the assessor at the courthouse -- I found Mr. Wallace is paying taxes, and I figured around 600 head of elk. The elk are assessed three ways. Nine to 23 months at \$ 12. Old males at 21.32. Older cows, \$16.57 a head. In other words, 600 head of elk, estimated, is right close to \$10,000 in taxes generated, let alone improved lands, the hay sheds and stuff that Mr. Wallace has improved the ranch. Beef cows are assessed at \$4.51 a head. In the history of the ranch would run 100 beef cows or approximately generating \$451 in taxes.

**Refer to response No. 18.**

There used to be some 500 head of allotted cattle on the Rye Creek allotment. Today there is none. So there's your more grass for your deer and elk.

**Refer to response No. 4.**

My family and I have owned 6,000 acres east of Darby from Dry Gulch to Rye Creek. We no longer own it, but during the time that we did, we never got a thank you from the Fish and Game or anyone else for the pasture we had for the elk and deer.

**Comment noted.**

Ravalli County is three fourths federally owned, and I resent the other pressure groups trying to tell the private people how to run the one fourth.

**Comment noted.**

LARRY SCOTT:

My name is Larry Scott. I'm a sportsman and a hunter. I represent no organization, I'm speaking on my own behalf. I'm totally against expansion and the elk farm itself.

**Comment noted.**



CARTER STRUM (phonetic):

My name's Carter Strum, I've got a degree in fisheries biology from Humboldt State University, and I hope to give more of a scientific look at what we're actually doing here as well as the emotional impact that people are having upon the Big Velvet Elk Ranch. Number one, from what I've heard and what I've talked to the Wallaces, they are willing to work around some of the environmental things. They're putting up the fences. I read the environmental impact statement and it talked about having a fence a hundred feet away from the river and the stream that's there, and that's pretty normal from a lot of the places that I've seen that they're trying to protect specific areas. But I have seen cattle ranches where the cattle come right up to the river, and I've done a lot of shopping (sic) in that area and I have found fish. So whether or not the sediment actually is that much or how much sediment's coming off of the area is probably minimal depending on whether or not spawning's going on at the time and so forth, and how it would impact eggs.

**Comment noted.**

Now, there are many ways that sediment can be fixed. There's many different ways that I can actually see this Big Velvet Ranch get expanded and actually work. If you look at it, if you're going to go into the emotional aspect of whether it's ethical for this compared to hunting, you're going to get into a lot of religious looks at everything, of people's emotional state as to whether or not they're a hunter, whether or not they think it's fair, and I think it's more of an emotional basis and shouldn't even be looked at as an aspect as to whether or not the ranch should be open.

**Comment noted.**

The riparian vegetation can be fixed. There's many ways that the Wallaces can improve the area. If you're worried about the sediment coming down, fish emulsion could be used, for instance, to fertilize the area. Its impact on the river system is minimal to nonexistent from talking with my instructor at school who dealt with fish disease and fish management and hatchery practices, that the fish emulsion would have no nitrate buildup or nitrites, and it would be an effective way to keep down the sediment. And again, there are many ways that they could go about this and have it work and I think it's a good plan. Thank you.

**Refer to response No. 19.**

HANNA MAUER (phonetic):

My name is Hanna Mauer, and I'm here for myself. I'm a liberal, I'm an environmentalist. I was born and raised here in this valley, and the devastation that I have seen from this elk ranch is tragic. It's disgusting. The roads, the huge scars, it's sick. And I cannot believe that it goes on. The riparian zone, how long is it going to take to rebuild? You know, how long is it going to take for that land to look like it once had? I am against this expansion; I'm for revocation of this, and I think we all know who has the dimmest light on upstairs.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

BARBIE WALLACE:

My name is Barbie Wallace. Many of you may know me from the press. We as a family did not want to create controversy. We chose to move to Montana because of its beauty, its values and the Montana way of life. Number one, we respect the individual rights and the right to privacy. Number two, respect for the right for private property. Number three, the values of strong family. I apologize if I have on occasion appeared angry or aggressive. However, as a wife and a mother, my instinct is to protect my kids and my husband's honor and safety. We want to live our lives in peace and run a professional business.

**Comment noted.**

**TERRY KLAMPE:**

My name's Terry Klampe. I'm speaking as a sportsman and a member of the committee against game farm expansion. Unlike Mr. Datsopoulos here, I'm here to speak to the issue. I'm here to give one of my reasons for denying expansion to the Big Velvet Ranch. In other words, I'm in favor of supporting the no-action alternative. My main concern is noncompliance with the law, nonenforcement of the law, and review of the EIS and files of the Fish, Wildlife and Parks would justify this concern. We've heard many excuses for the noncompliance of the law and nonenforcement of the law. However, only one has any validity, that being one of the excuses for nonenforcement.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

It is that the Department simply doesn't have the time, the manpower, nor the money to surveil such a large operation as the Big Velvet Ranch, especially such a large operation that is in continual noncompliance with the law. According to Fish, Wildlife and Parks, in the first 18 months over 85 percent of the approximate \$17,500 spent on payroll and operations dedicated to game farms in Region 2 has gone to the Big Velvet Ranch. This doesn't count such things as money spent on the game farm by the state Fish, Wildlife and Park Department, by Fish, Wildlife and Park legal staff, the supervisor of Region 2, Mr. Rich Clouse, the Department's pilots' time, Lynn Nelson's time, Chris Clancy's time or Bill Thomas' time. This also doesn't count the approximate \$ 40,000 spent by Fish, Wildlife and Park on the EIS, nor does it include the huge costs incurred by all the other departments and agencies involved, for example the Department of Environmental Quality and the Army Corp of Engineers. I want you to remember one important fact here. Fish, Wildlife and Park employees are our employees. We, the hunters and the fishermen here, pay for all of the costs incurred. An expansion of this operation is economically unsound and unjustified. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

**HOWIE WOLKE:**

My name is Howie Wolke, I live up the West Fork and run a small family guiding business. I also write about conservation issues. I'd like to thank Mr. Datsopoulos, the Wallaces' lawyer, for bringing up the word irresponsible to describe many of the charges against the Big Velvet Ranch, because I think that's a perfect word. I don't think you need to be an expert and I don't think you need to read page one to the final page of the EIS to know what's going on up there and to see the irresponsibility of the Big Velvet Ranch. All you have to do is take a drive up Rye Creek. It looks as if a drunk, mad bulldozer operator trying to see how many cuts he could gouge out of hillsides unnecessarily. It looks as though somebody who doesn't know how to read a map laid out the fence lines in total utter irresponsible disregard of the lay of the land, of erosion, of weeds, of watershed destruction, and of anything that most people in Montana are concerned about and hold dear. Talk about irresponsible, it's the destruction of the riparian habitat in the lower end of Rye Creek that's irresponsible. I want to say that I'm a landowner; I own acres up the West Fork, and I'm concerned about property rights. But rights imply responsibility. And there has been no responsibility from day one in the running of the Big Velvet Ranch.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

I'm also a hunter and this is kind of on the side, but I'll say that canned hunts and canned trophy hunts in fenced-in areas are an offense to most sportsmen and sportswomen in the state of Montana and throughout the country.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

And I'd like to say also that the Game and Fish Department of Montana, Department of Fish, Wildlife and Parks has dropped the ball in not enforcing their own regulations. But gentlemen, you have the opportunity to right that wrong, you have the opportunity now to do the right thing, and I urge you to not only deny the expansion, but to revoke the existing permit. Thank you.

**Comment noted.**



**CLIFF VALENZANO:**

My name's Cliff Valenzano. I'm a property owner about half a mile up the West Fork. I look directly onto the mouth of Rye Creek. And I have several little comments I'd like to make. One is that, you know, I firmly believe that the regulations in our day and age is just getting too strong and it's time for the government agencies to back off. Have some realistic regulations and enforce them and let it go at that.

**Comment noted.**

I think property owners are entitled to do what they want with their property. If they're going to make a mistake, as long as it doesn't hurt other people.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

People in general in this valley might want to pay attention to what happened over in Anaconda about 15 or 20 years ago. Everybody came down, the minors and all that sort of thing, and they just kept putting more and more regulations until their mouth overloaded and their you know what. And the town just shut down. And I think we should be realistic with the demands we put on people that are trying to run a money-making operation, whatever it might be.

**Comment noted.**

Now, since I look at that property over there at Rye Creek every day of my life, as do my neighbors, I really don't like the roads that are over there and the hillsides, but I've never talked to Mr. Wallace about this or Mrs. Wallace, but I imagine that if they can't have a game farm, they're probably going to have a subdivision. Now what's going to look worse? A lot more roads, small property owners with stock of their own horses and cows, they're going to eat everything there is to eat on their 5-, 10-, 15-, 20-acre parcels. I'd rather see what we see and have a game farm than to have houses all over the hillside.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

And as far as a wild game feed, I do a lot of spotting on that hillside and I have a hard time believing that there's deer, that's the number that's been referred to on that property. That's about all I have to say. Thank you.

**Refer to response No. 20.**

**MICHAEL DAVIS:**

My name is Michael Davis. Well, first I'd just like to commend Len Wallace on building a fine, beautiful elk ranch, and I know that it's a great elk ranch because I've seen a lot of them around, as have I'm sure you guys, and it's a beautiful elk ranch and the best setup I've seen for an elk ranch anywhere around, and I've seen a lot of them around. You guys -- and everybody keeps saying that you guys must enforce the rules and everything. You guys must be doing a pretty good job because the elk ranch looks pretty good to me.

**Comment noted.**

I think it all comes down to basically property rights. And it's Mr. Wallace's property and he should be able to do whatever he wants with it. You know, if it's to raise elk, build a subdivision, whatever, it's his land. He should be able to do what he wants with it, and that's what it all comes down to.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

And I'd just like to commend him again on building a beautiful elk ranch. And a lot of people get to enjoy it, his hard work in the building of this establishment, a lot of tourists, and a lot of kids who don't get to see elk anywhere else. And I'm a hunter and an avid sportsman. You probably won't find much more of an avid sportsman around than me, and I say let's let him have the elk ranch.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

STAN RAUCH:

Stan Rauch, the designated representative of the Montana Bow Hunters Association. Our organization strongly supports the no-action alternative; the expansion of the Big Velvet should not be approved. The reason being all of the eight major issues that have been raised during the scoping period, and also for the documented violations that have been a matter of record, if you will. It appears with all of these violations that the Big Velvet is a perfect example of how a elk ranch should not be run as opposed to a good example. It has violation after violation. And these are the reasons that we feel that the expansion should not be approved.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Additionally, a big, big factor with I think most sportsmen, certainly the ones in our organization, is the very large sum of money that's required to support this EIS process and the whole administrative process that our Fish, Wildlife and Parks has an administrative responsibility for. Huge sums of the hunting and fishing license money goes to this Big Velvet effort, and that money normally goes to the enhancement of wildlife and protection of wildlife for all the citizens of the state. In this case, a large sum of money is going to the enhancement, if you will, for a private enterprise, and it's an enterprise that promotes and advertises the shooting of penned up elk under the guides of hunting. This is a big slap in the face to all honest sportsmen in the state, responsible sportsmen. A large portion of the nonhunting public recognize the value and the status of ethical fair chase hunting in Montana which is the foundation, if you will, of our hunting heritage here in Montana. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

ROSE MARIE NEUMAN:

Hello, my name is Rose Marie Neuman. I have problems when people say they don't want the Big Velvet Game Ranch. If it's good for Ted Turner, it's good for the Wallaces. I cannot see any difference. Ted Turner has canned game hunts, the animals, the buffalo have ruined the riparian areas on these ranches, and nobody says anything. He has three ranches in Montana that I know of that are a lot larger than the elk ranch -- proposed elk ranch. So again, I say if it's good for Ted Turner, it's good for the Wallaces.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

PATRICK WALLACE:

My name is Patrick Wallace, I'm Len and Barbie Wallace's son. I'm also an employee at the Big Velvet Elk Ranch. I've been working on the ranch for about three years. Now, I would like everyone in this room to put yourselves in Len and Barbie Wallace's shoes. How would you like someone to tell you what to do with your land? I'm not just speaking for my parents tonight, but I'm for everyone who has land that might some day want to do something with it themselves. This isn't a communist country, let's keep it that way.

**Comment noted.**

DALE GERRARD:

I'm Dale Gerrard, I live east of Corvallis. I'm in opposition to the expansion of the Big Velvet Game Farm. I do not envy Montana Fish, Wildlife and Parks, their jobs. They have to go through the motions with a second public meeting, provide similar commentary, allow yet another expansion to the discredit of the Big Velvet Game Farm, and at least pretend that the process is sane, right and proper. I've become cynical about the effect of citizen commentary on the State decisions, having studied and attended meetings in which trail and highway issues were discussed. The opinion and wishes of the large majority of people who attended these meetings were overridden. In fact, the State had made up its mind long before the meetings were held. We here tonight are merely the captives of an insincere process. Sometimes governing bodies serve needs of citizens by overriding somewhat ignorant opinions. The people versus the Big Velvet is a



nonessential instance. I'm not interested in every facet of the EIS process that might persuade the State to permit yet another expansion of Big Velvet which is demonstrated and repeated in this regard for statutes, water quality and the public wildlife resource.

**Comment noted.**

First the State selects the company to do the environmental impact statement that uses a hundred point test in the selection process. The process, however, is not readily available for public inspection. Only three companies competed for the Big Velvet EIS, all from Montana, and the State did not extend its search for companies out of state. The legality of an applicant chosen from such a small pool should be questioned. The value should be questioned of such a small pool. The excuse given by Fish, Wildlife and Parks for the small number of applicants is that the few EIS companies have game farm experience. I am concerned about the findings of any EIS company when a government or agency pays a consulting firm tens of thousands and hundreds of thousands of dollars to do an EIS study. And a firm assumes or learns their desire and outcomes and which has not tried to bite the hand that feeds it. A consultant might understand what leads to a balancing act that gives the employers as much as possible. I would remind the selected EIS company of the very reluctant public is in this case one of its employers. Furthermore,

**Comment noted.**

I expect the EIS company to give as much if not more room to the legal, political and culture aspects of their study as to the scientific. For instance -- (Time up.)

**Refer to response No. 21.**

CLANCY ROLLS:

My name is Clancy Rolls. I've been kind of involved in the game farm book for quite awhile. My main concern -- I'm not a friend of the Wallaces and I'm not a friend of the Friends of the Bitterroot, I'm on my own. I'm standing here on my own opinions. I think the main issue here is public rights. As a property owner I think a man should be able to raise whatever he wants on his place. I've been involved with Fish, Wildlife and Parks for quite awhile. I've also had animals that they deem prohibited, that had before that was passed. I got rid of them, complied with that. I think that the right -- A person has a right to own it -- but if a man buys his place, he should be able to do what he wants with it within reason. Like this fellow over there says he likes to look over there and at least see the elk, but the hills I look at has houses all over it, and I think that a man should -- I think he's doing a good job. I envy him, and what his ability to do. I am in favor of his expansion because of public personal property rights. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

TOM FARRENKOPF:

My name is Tom Farrenkopf. Unfortunately I just learned about this meeting tonight. I happen to be on the Friends of the Bitterroot hit list, too. I use lumber in my business, so I'm busy battling my own bureaucracies every day. And I'd like to say that those people who have come here tonight against the Wallaces really need a good dose of Dale Carnegie. I heard a man -- and excuse me for not remembering your name -- who happens to be an outfitter, in talking about the disastrous bombed out ranch that they own, and perhaps along the way if this gentleman would have stopped by and introduced himself to the Wallaces and talked with them and maybe some of the deficiencies that he saw, if he would have stopped maybe he could have helped the Wallaces. That's what we need if we do have problems, stop by and talk to your neighbor. We don't need all the bureaucracy to do that. Stop in and introduce yourselves; you might get a cup of coffee.

**Comment noted.**

One of the things that I see as an issue here is that we're talking about private property and we're talking about public property. Now, over the years, the state and federal government has taken land for various projects, for dams and different things, and the person gets compensated. That's what the constitution says that has to be done. And if it comes down to a decision made by the various agencies that will effect the Wallaces' private property, we have to pay them. That comes out of my wallet again, and by gosh, it's awful thin. I don't have a real thick wallet. And so for all of those who believe that they like to hunt -- I like to hunt, I like to fish, I like to do all of these things. That's probably why we're all here. But so far as I can recollect, in all of the times that I have read the constitution of the United States and of the state of Montana, only people are given rights. Does that mean that animals shouldn't be protected? No. But if we do have some things that need to be addressed, we have to change the constitution. And that is the core of the matter. Continually I and others in our daily lives are faced with issues where the constitution is circumvented, they go around it. If we really need to make these changes, if you people would like to have the Wallaces' ranch, take this and make it a constitutional change. But until that is done, the Wallaces own their property and as long as they are not hurting someone, that's where the issue has to be taken up is in a court of law. If they haven't damaged anyone, they have the right. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

JACK WARD:

I'm Jack Ward, veterinarian. I'm attending veterinarian in the Wallace Big Velvet Elk Ranch. My qualifications, I've been in practice in the Bitterroot for 39 years. I'm an accredited veterinarian, state and federal both. I'm also an alternate livestock veterinarian which is accredited by the state of Montana to oversee the Department of Livestock's regulations of the Big Velvet Elk Ranch. My major concern is dealing with diseases. One is tuberculosis, which everybody is worried about; the next one is tuberculosis. To me I really don't worry about it too much in livestock because most programs are instigated years ago from the human health aspect. Most of the papers that you read, especially tuberculosis through the Yellowstone Park, the human element was never mentioned until about six months ago. And a lot of you people don't know that. This causes human fever in humans. I have it, I've had it for 35 years. If you want to know about it, I'll talk to you about it later. I have never done so much paperwork for animals in the last two years than I have in the previous ten years for all the rest of the Bitterroot.

**Comment noted.**

I serve on a council at the present, representative of about members. I make a trip to Helena once a month. It's a council to develop rules and regulations for game farms. This is composed of Fish and Wildlife people, Fish, Wildlife and Parks, Wildlife Federation, game farmers, Department of Livestock, legislators, anybody else that's interested can sit in with me any time they want to. I represent the Montana Veterinarian Association. There's been a lot of comment about diseases escaping ingress and egress in the game farms. One of the major ones is hybridization, and each animal, every animal that comes to the state of Montana is tested. There are two laboratories, one in Wyoming, one in Montana -- or one in California. The proposal at the present is to test every calf crop for the next three years. If anything's found, it has to be destroyed, neutered or shipped out of the state. I can go on and on, but thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

KIM KOFKA (phonetic):

I'm Kim Kofka from Havre. Being a new game farmer to this industry -- I come from a large cattle background and grain background up in northern Montana. The reason I went into this industry is to keep my kids on the family farm, try and put something else in that -- it's a viable industry in Montana, and if you'd ever checked into the books at an elk operation, they are a viable industry. I just think it's a shame where a guy has taken the time and effort to put something together like this and he's working on expanding it, and we're coming down with an implemented set of rules to work under, finally, as far as a negotiated rule-making committee, and if we can have a set of rules to work by and we know what we're



working by rather than not knowing from one region to the next, maybe everybody can standardize and we can solve this problem. And maybe if Mr. Wallace was allowed the expansion onto another 1,800 acres or whatever the acreage is, maybe it couldn't be grazed down like everybody says it is.

**Comment noted.**

And I just think it's his ground and as long as he isn't hampering the privileges of his neighbors and everything else, and he's on his own property, I believe he should be able to do what he wants.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

CAL RUARK:

My name is Cal Ruark. I'm in favor of the Wallaces being able to do what they want with their property. I think anybody else in this room that maybe raises a cow, duck, chicken, or whatever you might want, you better pay attention to what's happened here, because we have some people that are trying to sneak in the back door, and I've told several people this in the last several weeks, if any of these people in these organizations would have come to my house and asked me for a \$100 donation to try and buy the Wallace ranch so they could have winter range for the game, I would have given them a hundred dollars. At this point in time, I wouldn't give them the time of day. Because I think instead of being upfront about it, trying to purchase this land, if it's so important to them for this mule deer, and try and raise some dollars to purchase the land, work with the Fish and Game to do that. And from what I've read in the paper, it's been offered, the exchange. They denied, they didn't want it.

**Comment noted.**

And all and all, the years you see people that -- including myself. I feed 30 to 40, 50 white tail deer every night in my alfalfa field. I don't see the Fish and Game around coming up and saying, boy, it's really nice to see these deer. Could I give you ten bucks for that hay they're eating this summer? You don't ever see that. They haven't offered that to the Wallaces, they haven't offered it to Wayne here, they haven't offered it to the Duus', and I personally am for the Wallaces and I hope you make it.

**Comment noted.**

ROBERT CHRIST:

My name is Robert Christ, I'm a rancher just south of town. I've lived in the Bitterroot for 28 years. I'm also the legislative director for the Montana State Grange. I'm here to speak tonight to only one subject and that's private property rights. This is a subject we discussed in Kansas City at a recent meeting when the legislature directors of 24 states were there, and we also discussed the buffalo issue. It's something I think that all of us must consider if we expect private persons to live by a certain set of rules, and certainly our federal government must do the same. Dr. Ward is my veterinarian. I'm very familiar with the problems because I have an uncle that has had ungulan (phonetic) fever, so I'm highly concerned about the public health issue. The private property rights are something I think your department has to carefully consider. If the public demands, then the landowner should be justly compensated for his property.

**Comment noted.**

I'm not aware of any law that says that property owners must furnish the habitat for wildlife. If there is, I'm not aware of it. Now, how it impacts the ranchers is a serious thing. We've recently had a spring pasture that we were going to move our cattle on; we had head of wild elk on it. Now, consequently we can't graze that for awhile. But the public property rights is something that demands serious consideration. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

SHIRLEY BUGLI:

I'm Shirley Bugli and I raised my hand to come and talk and I almost didn't have to say it because too many said it for me, and it's about private property rights. And it scares me to even have to be at a meeting like this tonight to decide what some man is going to do for his property, with his property, and abiding by the law. We've had credible people. I've known Dr. Ward for years, I've known Jim Duus all my life, I was born and raised in this valley. Nobody has ever wanted to compensate us for what we feed the animals, and we feed a lot of the wild game. We have a lot of hunters coming around. We used to always welcome them, now we kind of have a few problems. Sometimes we feel like they shoot themselves in the foot because of their actions. And I just think it's a really sad thing that we have come to this in this valley that has been kept to the point where people want to come here, and they come in now and want to make all these changes to evidently make it into someplace that they got away from. And I really believe in private property rights. I don't know the Wallaces, I don't even know how I feel about game farms. But if he is complying with the law and trying to, he needs to have a chance and it is private property.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

JACK SHUBERT (phonetic):

My name is Jack Shubert, I'm a member of the rule-making committee for the governor with Fish and Game. It would appear to me after talking to Richard at one of those rule meeting gatherings, Richard informed me that Mr. Wallace was doing everything that Fish and Game ever told him to do. If there's a lacking of something they need done, they best be telling them what to do, because he will do it. And as far as disease issues, we are at the highest plane of animal health in any animal in the state of Montana, and we are defending it from wild animals who have no disease, plain level at all. And my contention is that obviously Yellowstone is just brittled with tuberculosis. It's obvious to anybody. On the way up here we saw a horse ranch next to the road. Right in a creek, animals knee deep in manure. And I'll defy you, when I came up here the first year and looked at Mr. Wallace's place, I referred to it as the knapweed valley. After he grazed that knapweed down and planted it into seed, I thought it looked pretty good myself. The apparent value of that property probably improved. As far as private property rights, Mr. Wallace should be able to move along, get his authority to do so and properly fence his product. We have made a new fencing law with the help of Fish and Game that should eliminate any of the ingress, egress problems.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

As far as the hybrid issue goes, I took the last hybrids personally out of the state of Montana myself. We ourselves, the industry, enacted our own hybrid standard for the state of Montana and we allowed the Department of Livestock to confiscate our animals when they had no authority to do so. We voluntarily did that to stop any possibility of any animal pollution in the state of Montana. We are very concerned about the quality of our wild animals. I have been bow hunting for 30 years. The reference to a canned hunt -- the level of animal that we are -- If you just stop and think, we're raising wild animals and think that we're raising domestic livestock. Then the harvesting of unusable male animals, no matter what method we use, is as appropriate as the killing and harvesting of steer cattle. My contention is to allow Mr. Wallace to make his expansion and properly fence it and you should have no problem. Thank you very much.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

MATTHEW DAVIS:

My name is Matthew Davis, and yesterday at Corvallis High School -- I am a junior at Corvallis High School -- I took a poll to see --- of about a hundred students and talked with them, and they were all in support of the game farm. There is few groups that tell untruth stories and people tell lies about what's going on on the game ranch. I've worked there for two summers. I love it down there; it's a nice place, raise great animals. I do believe in the constitution and the rights. I think that if you own land, you should be able to do what you want with it. This is a great business to own and some day I would even like to raise elk. And maybe when I get through with college and get married, have a family, I want to do what I can with my land and I don't want anybody telling me what to do with it. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**



**BERNIE SWIFT:**

Good evening. My name is Bernie Swift. I don't know the Wallaces. I know many of the other folks that have commented tonight, and I want to say to you folks that I had a hand in putting together the regulations that I think are the most strict of anything that we have in the nation today on game farms. You can't bring in an animal, you can't take an animal out of this state without having it totally tested. When you bring it in, there's a six month to a year quarantine, and whenever they're moved, they have to be counted for. And I went through the matter of revising these regulations, and the game farm people themselves work very closely with the legislature in getting them put in place and agreed with the things that are in place today. So my point here today is that you folks know what the regulations are, Mr. Wallace does, and I want to say early on when they first started, I would repeat what the previous commenter has said. I felt they didn't know what he had to do because he wasn't doing things correctly. But just this past year now, since he has followed some of the rules and directions that he's been given as far as stream damage and the other things that are of a concern to game farming, it looks like a very viable operation, the production looks good, the management looks good, and I think he's done an admirable job.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

And I also want to say, I knew the Rye Creek area back in the early 50's when the erosion was much worse than I see it today. We did a rehabilitation project up on the federal land, it was improved, and I think overall that the Wallaces have improved that area totally.

**Refer to response No. 22.**

And the other thing I want to say is the same thing that many other people have said here tonight. It is private land. He has made the effort, and if he's making mistakes, tell him where they're at and give him an opportunity to correct them. And I think that's the way we should operate. But if you think that it's not worthy of this project or this endeavor, you have a lot of millions of dollars that you're getting in Senate Bill that you can buy that land for and buy it at the price that it is today, and I hope you do that if you don't approve his proposed operation, because I think it's a good one. And I've seen that area for quite sometime, and I thank you for the opportunity to comment.

**Comment noted.**

**LEE FOSS:**

I got a lot to say, I'll read fast. My name is Lee Foss. I want to give congratulations to Mr. Wallace and the Big Velvet Ranch for having run one of the best and cleanest businesses in Montana. Having worked at different companies and having done business with several companies, they all panic when they're going to get inspected by a government employee who's looking at areas that they are looking for -- areas that they are not complying with the regulation. According to the EIS study complaints history in 1996, he had 136 inspections from the Department of Livestock, Fish, Wildlife and Parks, plus several clients on top of those 136 inspections. He was also inspected by the US Corp of Army Engineers, Montana Department of Environmental Quality, Montana Department of Natural Resources & Conservation, the Bitterroot Conservation District, US Department of Interior. In each one of these, a group inspected his ranch with a sole scope to find something wrong. According to Table 2-2, they found two items. Not bad. How many of us could pass that many inspections with only two violations? Yet the EIS statement gives no credit for this good record. Never a diseased animal or a hybrid elk was found on that ranch.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

54 percent of the remaining Rye Creek winter range would be fenced. Sure. The EIS statement does not recognize an additional 6,000 plus acres that surround the expansion area that is not in the 5,500-acre, Map 2-1. Yet the watershed area, Map 4-1, takes in about 103,000 acres. Nor does the EIS address the fact that within the study for the water, 18 miles by 9 miles, there are two large ranches of 1,000 acres, and 2,000

acres have conservation easements on it for elk and deer habitat. The elk ranch and neighboring ranches are both sides, plus two of the ranches within the study area have had their national forest grazing leases of over 1,500 animal units taken away to give more grazing to elk and deer. Plus Darby Lumber land, about 11,000 acres have been timber harvested, creating excellent deer and elk habitat which was not included in the study area, yet it borders the expansion area.

**Refer to response No. 23.**

Section 3-14, table 3-2, density of mule deer ratio to acres. Currently the proposed expansion area of 920 acres has 620 mule deer, density point 6. Currently the proposed expansion area, current elk and deer on there, 725 head, density of point 78. You take the Deer Hollow area, 2,400 and 20 acres, 860 mule deer, density point 17. Displaced -- Take the 725 animals from the displaced area and put over into the Deer Hollow area, the density goes to point 65. That's still less than what's currently being ran by the Fish and Game and Wallaces' expansion area. Mr. Wallace, with the expansion of 920 acres with his 360 mule deer and elk, the density drops to point 39. And yet you're concerned about habitat. He's going to increase better habitat in there by decreasing the number of animals.

**Refer to response No. 24.**

RAY HONEY:

I'm Ray Honey, I've lived here since 1945. Kind of hard to follow up that; I can't quite talk that fast. But I tell you, in all my time, I've never seen less damage in the Rye Creek. It used to be when we went up in that area you always saw a lot of damage in that creek. Now you see much less considering the logs and the grazing we did in the past. And it's also the first time I seen Rye Creek Ranch contribute to the value of property taxes. First time I've seen the Rye Creek Ranch make a profit. That change has so many times -- like Jim Duus says, it used to be 120 cow ranch because they couldn't even make a living there.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

I see groups such as the Friends of the Bitterroot is not friends of the Bitterroot. You know, they are an organized group that they have one person stand up here and says he's talking for a whole bunch of people. They've done more to take food out of our hard working augers and young people and they've done more to bring other people in here that come from California and spend their money as the environmentalist. We're all environmentalists. I'm an environmentalist. We live here because we like to live here, but I don't like to have someone else telling me how to run my place. You try walking through some of the places up Rye Creek. Some of these guys that talk about being an environmentalist, you try walking down through his place. I hate these red signs. I've given tours on the ranch and I've been continually impressed by how Len has run his place. I hear people talking about manure and talk about dead animals and there is no such thing. You ought to try -- like with the one fellow, talk about the horses standing in manure in the creek. Why don't you talk about the ranch just below there. You look and see his creek fenced off right down the creek. You'll see the horses walking in the creek. Len has made mistakes, and who hasn't made mistakes? But I tell you, he's done a lot to try to correct those mistakes. He's willing to talk to people. I think he's talked to the Fish, Wildlife and Park people. He's made mistakes when he tried to put in the dams. We all do that, but how many people have been fishing off of the Rye Creek up any one of those draws? There aren't any fish up there.

**Comments noted.**

You cannot drive by the ranch without seeing cars. There's a lot of tourists, you always can see, 10, 12 cars parked through there.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**



They're parked on Len Wallace's road. If you -- I guess, if he -- like some other people, he'd block it off. You talk about canned hunts. That's not my kind of hunting either and it's not for most of our other hunters. But I think he does it in a way -- he does in about a thousand-acre ranch and the way he sells out his hunts, it must be pretty popular with some of these sportsmen, and it's good for somebody like a lawyer or someone else who has two or three days, and it's an experience for them to have. He doesn't like to see -- he doesn't like to see those elk killed, neither does Barbie. I'm in support of the expansion.

**Comment noted.**

LINDA FOX:

My name is Linda Fox, I'm primarily here to show support for property rights concerning the Big Velvet Elk Ranch. I am concerned with the fact that the creek continues to be a concern even after, when asked to fence it off, three years ago Len Wallace promptly did so. How many ranches do you know fence off the creeks that run through their properties? I've lived in Montana for some time and I have never seen any other than the Big Velvet Elk Ranch. Thank you.

**Comment noted.**

CAROL BANCROFT:

I'm Carol Bancroft, and, you know, this Wallaces' farm, before the Daly Ranch was sold, why there used to be how many elk up there and they were all protected. Nobody could go up in there to shoot them at all. Now I want you people to address that. Do you know anything about that? If not, maybe somebody would out here. So Mildenerger bought part of the Daly Ranch. Where were these steers -- elk supposed to go? And I think it's a fabulous thing what Wallaces are doing. And the main thing I'm up here for is private property rights. I have been fighting for a lot of times, and I think you people that are trying to push this, if you think that this isn't all going to come down on you, all of ya, wait until the little heritage deal comes through, like Clinton's going all over the United States putting through.

**Comments noted.**

I would like an explanation from you people to me personally, what the Heritage Department is and what they are doing. They done their little deal down in Utah, in the Zionscagan (phonetic), they tried to do it in Yellowstone, and you better all beware of what the heritage is. And I don't mean that little heritage sitting in Washington D.C., I mean the heritage that's out here gobbling all our land up. But for God's sake, you better all realize that we've got to save our property, and you people that are pushing all this, you better wake up.

**Refer to response No. 25.**

DENNIS PALMER:

Good evening, my name is Dennis Palmer and I live here in Hamilton, and I'm a supporter of the Big Velvet Ranch, and I do have concerns about private property rights. I have read EISs, many EISs in the past for the last 15 years, and I have not read an EIS yet that was positive about anything. Most of the EISs have been negative. So therefore, when you read the EISs, they only concern the habits of -- about wildlife, water quality, fisheries and stuff like that. They don't bring up much of the stuff dealing with what kind of good the people are doing on their lands.

**Refer to response No. 26.**

And my strong feeling is it's protecting the United States Constitution. We do have private rights under the Constitution, therefore, obey the United States Constitution.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**



BRIAN DAVIS:

Brian Davis from Corvallis. It really bothers me that everybody that's calling themselves sportsmen and their opposed to this? I would venture to say that I spend more days in the field than probably you three fellows right here together in the Fish and Game. Because I'm out from usually March when I start hunting, until the first of December when elk season closes. And I hunt just -- You can ask anybody that's been around me. I hunt seven days a week, and I hunt strictly trophy. It really bothers me when they talk about a canned hunt in a thousand acres. Wallaces run two hunts a day, each one with their own guide. When you put that kind of time and intensity into your hunters, you want to give them the best opportunity they have. It's no different what they're doing than anybody that has their own trout pond. You think about it. You raise your own trout, you go out and catch it, and everybody thinks, wow, that's wonderful. I wish I had a trout pond. They've got their own elk ranch. I wish I did. I've got 110 acres on the east side. If it wasn't for the way that the regulations came down about six years ago, I probably would have had one. But looking at the way that everything was, I decided I'd sit back and wait and see what was going to happen. I've done feasibility studies for many people on elk ranches. I used to be a stock broker, I've worked in that type of industry, and I looked at this as a very viable business. And at this point in time, if everybody's complaining so much about the state of Montana and how much money is being spent by the Fish and Game, I think maybe we should take a look at Idaho. They went and give it to the livestock people. Basically in Idaho, all you have to do is put up a fence. If you have a viable fence, by golly, you can have an elk ranch. That would sound good to me. I'm not so much opposed to the regulations, I think there are a certain amount of regulations that we do need. But I do believe that you do have the right to do with your land what you need.

**Comments noted.**

I want a business that my children have an opportunity to share in. I want my children to stay here. I spend an awful lot of time in community service. And this is a very viable operation. I commend Wallaces for what they've done. And I wish that the people that are so much opposed to it would go up and take the time to really look it up and see what they've done. They've offered to give everybody opportunities to go up and see it. I thank you very much.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

STEVE WILSON:

I'm Steve Wilson, I'm here representing the recently formed Mule Deer Foundation, and I did go to the Region 1 commissioner and ask if there would be funds available to purchase this property, and at this time, most of the conservation easements are already spoken for, so that's out of the question.

**Comment noted.**

I guess the primary issue that we've all failed to look at and see tonight is the fact that we've talked about laws and regulations, and as I read through the law and the regulation of game farming, it talks about the interruption of wildlife migration.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Now, if that is part of what's going to take place on this expansion, then all of this public process is just a waste of time. You simply have to enforce the law that has been written that governs game farms. And if it meets that criteria, I don't think we need to be wasting everybody's time coming to these damn meetings all the time. I mean, it's as simple as that.

**Comment noted.**

And I guess as far as the rest of it goes, I would just like to really ask the last gentleman that spoke, that if he starts hunting in March, I don't know what he's hunting.

BRIAN DAVIS:

I hunt antlers. That way I know where the big bulls are.

MIKE SKROCH:

My name's Mike Skroch. I've been a bow hunter for about 12 years, and just in about the past five I started hunting elk. And I tell you that just by having the opportunity to go by Mr. Wallace's ranch to observe the elk in their own natural characteristics, you know, no matter whether they're in pens or not, you know, they still go through the same experiences that the animals in the wild do. And I don't know, if I wouldn't have had that opportunity to study those animals, you know, I might have been a poor bow hunter, because I think that some of the people that, you know, prospect into bow hunting in the future ought to take some time to go through there and do some studies on their own and maybe they'll be better bow hunters in the future.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

And I'd also like to say that I'm an employee of Mr. Wallace's, I work for the ranch in maintenance-type facility. And I've traveled, you know, to numerous spots in the country as well as the state of Montana to other game farms, and by far Mr. Wallace's game farm is the best managed and the most highest quality facility that I've seen yet. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

DAVE JONES:

My name is Dave Jones, I'm president of the local Trout Unlimited Chapter here. We are concerned primarily with the water resource that's involved. The waters of Montana belong to all the citizens. The right to use it belongs to the individuals, but there is no right to degrade those waters or the fisheries, and because of our concerns with the water quality issues, we would ask that you would deny this expansion. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

JIM OLSON:

My name is Jim Olson. I'm not the guy that writes in the paper, his middle initial is R, mine is W. He spells his name last name with an E not an O. I'm speaking here for myself. I don't think there's a person here in this room who is not concerned and doesn't have respect for private property rights, whether you're for this expansion or whether you're against this expansion. There's been a key issue that was brought up and one of it was you can do things with your land as long as you don't hurt somebody around you. This opens up quite a can of worms and covers a lot of other areas as well. Mr. Wilson testified that he had researched the law. I've researched the law also. Private rights is an issue, yes, but we have existing laws in this country also and in this state that we have to follow. The existing law governing game farms has passed by the last legislative -- not this immediate past one, but the one before that. There is a clause in there that says that if the game farm operation interferes with migratory patterns is one criteria; two, if it interferes with breeding grounds, rearing grounds, calving areas or wintering areas, this is a criteria for denial. The EIS as I've read it says that this will interfere with about 54 percent of the winter range up there for deer and elk both. It looks to me like this criteria has been met, and because of our existing law, this game farm expansion should be denied. I'm in favor of having this expansion denied.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

JIM KEARNEY:

My name's Jim Kearney, I live in Stevensville. I'm here tonight to speak against the game farm. One of the things I'd like to know is -- and Olson just mentioned it -- is how much of an impact do we have to have in this EIS that we spend these tens of thousands of dollars on to deny this? I mean, the existing law -- and I won't be rhetorical, he just gave you the outlines. Here we are. We have a law covering the problem right now. The other problem I have with this whole thing -- and I guess it's both side's fault in some ways -- the



EIS indicates that the Wallaces have existing violations over the last few years. Now, I have a Montana driver's license in my pocket and I guarantee ya, if I had 12, 13 violations in the last three years, my wallet would be a lot lighter and I may not even have my license. So I don't know, it's maybe a poor correlation, but maybe the Wallaces aren't getting the information that's necessary, or maybe they're not doing it. I don't really know. All I know is that the violations are there, nothing's happened on it. And what's to say, if the thing goes ahead and expands, it's going to be the same circle song and dance, round and round and round. The property rights issue is another thing that this obviously is about. I take the stand that people do have a right to do what they want to with their own property, but to a point where it does not effect everybody that's around you. And in this state we're going to effect everybody. I wouldn't really care if the game farm was out there raising rhinoceroses, elephants or giraffes, because they're not an indigenous animal. They don't live naturally in that space. I feel there is a great potential for disease and genetic dilution within the herds, and I think that's just another reason.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

I'm kind of on the fence on the property rights issue, and I've got a couple projects in mind: One's a pig farm, the other's a gun range. I might have to talk to Mr. Datsopoulos for that. I have run into a small opposition from my neighbors. That's really all I have to say on the issue.

**Comment noted.**

**BEN DEEBLE:**

My name is Ben Deeble, I work with Montana Wildlife Federation which is a federation of 18 different hunting and angling organizations around Montana. We have approximately 8,000 members within the state of Montana, as well as members outside the state. We strongly support the adoption of the no-action alternative within the EIS. We do not think the Big Velvet Game Farm should be expanded. The rest of my comments, I would like to read into the record a resolution that the federation adopted in 1994. The federation's had a lot of concerns about game farms for a very long time and this pretty much sums it up.

Whereas wildlife is a valuable, ecological, esthetic, recreational and economic resource in Montana, and whereas under the guides of alternative agriculture, game ranching is growing rapidly with thousands of animals on game ranches in North America. And whereas serious disease and parasite infections, particularly tuberculosis, brucellosis, Mad Cow disease, cryptosporidium and other diseases have been documented in game farm animals in Wyoming, Washington, Montana, Nebraska, Iowa, South Dakota, Colorado, Idaho, Oklahoma, Alberta, British Columbia, Saskatchewan and Ontario, and whereas escape of game ranch animals is inevitable because of fence failure due to factors such as poor construction, maintenance, floods, wind, fallen trees, drifting, and animals jumping over, going under or through fences during the rut, causing disease transmission, hybridization and competition for habitat with native animals. And whereas serious genetic problems have occurred in Colorado where red deer, ow dog (phonetic) and blue pod sheep (phonetic) have escaped and established populations that hybridize and transmit disease to native populations of elk and big horn sheep. And whereas the regulations governing game ranches and the interstate movement and disease control of animals are inadequate or unavailable to protect 70 years of enlightened wildlife conservation.

Whereas there's ample documentation of disease transmission from domesticated wildlife to humans, domestic livestock and free-roaming wildlife, and from domestic livestock to wildlife. And whereas shooting captive big game animals is not fair chase or sporting hunt, but presents the distorted view of ethical hunting. Now therefore be it resolved that the Montana Wildlife Federation supports legislation and other means to prohibit any further authorization of game ranches in Montana because it's such a destructive industry.



Be it further resolved that we support means for the state of Montana to purchase and destroy all existing game ranch animals in Montana to protect Montana's wild, free-roaming, publicly-owned wildlife.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

JUSTIN BROADLEY:

My name is Justin Broadley, I'm from Corvallis. I am for the game farm expansion. My family and I, we all hunt together and stuff, so -- but we enjoy the elk ranch and stuff, and Len, he gave us permission to do a science project up there just for the Wildlife Film Festival, and we got an A plus for it, and he was real nice about it and he was eager to take us around and help us in any way. Concerning property rights, leave Montana the last best place. Let us as young people have something to look forward to and a way to make an honest living. Thanks.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

LINDA DUWARICK (phonetic):

Hi, I'm Linda Duwarick, I'm a veterinarian and a Ph.D., I study infectious diseases with an emphasis on wildlife health. I'm also interested in the human and natural area interface and that wildlife can serve as an indicator of habitat. I'm concerned that in the draft environmental impact statement that there's not more of an emphasis on base line health status of surrounding wildlife populations, and there is an emphasis on wild game, and small mammals and avian species aren't accented, especially given the fact that there are threatened and endangered species in that area.

**Refer to response No. 27.**

The game farm fences are 9 feet tall from what I understand from the document, and they're also approximately six-inch square wire, which it blocks flight patterns of hunting raptures, and you did address the ground -- like grouse and pheasants are addressed there, but I'm concerned about other avian species and small mammals that use the riparian zones in that area.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

One aspect for wildlife health that I think needs to be addressed as well is more emphasis on immune status and parasite load of surrounding areas. This doesn't address the health of the game farm areas whatsoever, but I think it's important during these developmental stages, both with subdivisions and ranching, that we assess health status of wild species more intensely so that we can monitor and survey wild populations as an indicator of habitat and surrounding environmental health. Because that also effects the humans that enjoy those areas. Thank you.

**Refer to response No. 27.**

DALE BURK:

My name is Dale Burk and I live in Stevensville, Montana. I want to speak to the issue of private property rights in the constitution as they relate to your investigation of this issue, realizing that in three minutes we can't really truly discuss in detail something that's taken us 200 years to work out. But I do wish to thank you for providing a controlled form like this where people who have disagreeing opinions can have something to say. From revolutionary times to now, the definition of liberty that has made this the greatest country in the face of the earth is that we have the right to do as we wish in accordance with the laws and morays of the society in which we live. And the laws of our land, including the game farm law, water quality laws, laws involving the interplay of people one to another, have been violated vehemently and often, not once or twice. I really appreciated the comment of the agricultural representative that said as long as we obey the laws, shouldn't have any problem. Well, it hasn't been one and it hasn't been two, it has been many overt and ongoing violations of the law.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Number two, we have a process, we're taking part in it tonight, that gives the citizenry in this country the right to believe and speak on issues without fear of intimidation, without receiving phone calls in the middle of the night, without having your children threatened, without having other things occurring, and those have taken place in this one after another. I myself have received a couple of them, Dr. Klampe has, Steve Wilson has and others. We feel that that has to be part of what we openly look at in this issue.

**Refer to response No. 2.**

Private property rights in balance with the other rights guaranteed us in the constitution are coessential. I believe in property rights myself. But in Stevensville, to be able to do something on a certain piece of property where my society, the government, has literally passed ordinances that says I can't, I can't. I have to literally live within the laws and the morays of the society in which I live, and so do game farms. And I believe that the case before us asking for an expansion of the game farm that has shown either a lack of willingness to understand the law or an inability to on a timely basis comply with the law, tells us that we should not allow the expansion, and in fact I would ask that you consider revocation of the license. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

ELLEN SCHUBERT (phonetic):

My name is Ellen Schubert and my husband and I have been in the game farm business for years and we have never had an ingress or egress problem of any kind whatsoever.

**Comment noted.**

And I would like to say to the young veterinarian that our game farm has provided a safe haven for all wild birds. We have raised more Canadians and wild geese and ducks and herons on our property since we fenced out the predators. We're actually doing a service for the natural bird population. And I think the expansion, if it went forward, would help keep out the predators and if there is any water, birds and wildlife will flourish. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the Proposed Action.**

TOM LOBONC:

My name is Tom Lobonc of Hamilton. The issue of property rights has been repeatedly brought up again and again. I would maintain that the people of Montana are being denied their property rights, the rights to a viable game population. This is due to the amount of money spent on enforcement, on the EIS statement, these types of things. I would like to state that I am for the no-action alternative. Thank you.

**Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

ART CALLAN:

My name's Art Callan, and I support the no-action alternative. I think it would be prudent for everyone with an interesting elk and deer ranch to read this EIS. I think it really points out a lot of the problems that are run into with the elk and deer ranch. And it helps that our wildlife club is opposed to all elk and deer ranches. I am concerned about hunting in the future for our -- anybody that hunts, our future children and such, because I'm sure it's going to be kind of expensive for them spending \$10,000 for an elk. Thank you.

**Comment noted.**

-END-



LETTER #1

MAY 6 1997

P.O. Box 1138  
Lincolnton, N.C. 28111  
May 5, 1997

What's the matter with the  
fish and game? are they in  
 cahoots with these stupid game  
 farm owners? They should  
 have known better than to allow  
 the first game farm to start. If I  
 had my way I would close  
 all game farms down for good.  
 they should not have been  
 allowed to start to begin with.

They have already done  
 enough harm. What more harm  
 do you want?

If you are smart you will  
 revoke all licenses where there  
 has been damage done of any  
 kind that puts the public in  
 danger.

Never allow any game farm to  
 expand and ruin the country.

Signed

Ted K. Carlson

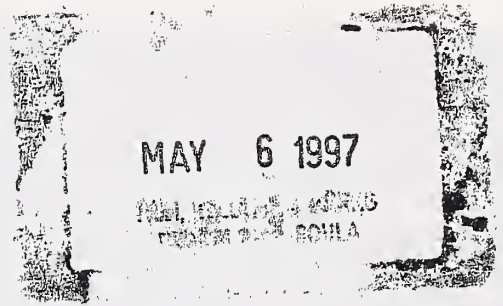


**1. Ted R. Carlson**

**A. Comment noted**

LETTER #2

Rich Clough  
3201 Spungin Rd.  
Missoula, MT 59801



Dear Sir:

I would like to let you know I support the no action alternative of the Draft EIS. developed by Fish, WLP&Parks.

A- [It appears to me that Big Velvet should have their current license revoked, considering all the violations in the past 5 years.

Thank you -

James Spence  
Box 242  
Ft. Peck, MT. 59223

**2. James Spence**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**



Joe Gutkoski Pres. Gallatin Wildlife Assoc.  
 304 N. 18th. Av. Bozeman MT 59715  
 WILD THINGS NEED (406) 587-3242  
 WILD PLACES  
 To: Rich Clough:



Please oppose the expansion of Big Vallet Game Farm. We support the no action alternative of the EIS & support the revocation of the license.

There is a high risk for disease transmission with the shoddy work of this game farm.

Sincerely,

To Help Preserve  
 Wilderness:  
 Joe Gutkoski  
 Box 875

Rich Clough DFW&P  
 Regional Supervisor  
 3201 Spurgin Rd.  
 Missoula MT 59801



**3. Joe Gutkoski**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

RECEIVED

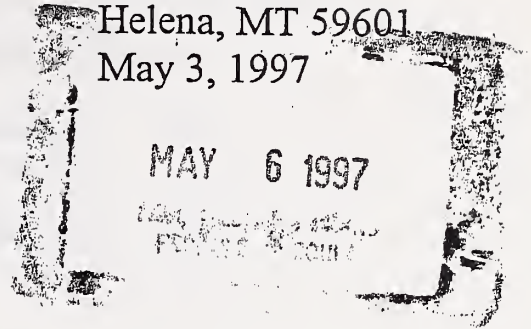
LETTER #4

MAY 19 1997

MAXIM TECHNOLOGIES  
HELENA, MT

Mr. Rich Clough, Region 2 Supervisor  
DFWP  
3201 Spurgin Rd  
Missoula, MT 59801

801 Knight St  
Helena, MT 59601  
May 3, 1997



Dear Rich:

A -

This letter is in support of the NO ACTION alternative of the draft EIS concerning the expansion of the Big Velvet game farm. I also support revocation of the operation's current license.

B -

The history of violations by said operation shows an obvious scofflaw attitude. The appropriate legal authorities should commence action to shut down this odious business. It seems the operation should be actionable under the Resource Conservation Recovery Act (RCRA) as well as various game farm and water quality statutes.

Sincerely,

Robert E. Carroll



**4. Robert E. Carroll**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted. Refer to responses No. 14 and 28.**

LETTER #5

220 Blodgett Camp Road  
Hamilton MT 59840  
5 May 1997

Mr. Rich Clough  
DFWP Regional Supervisor  
3201 Spurgin Road  
Missoula MT 59801

Dear Mr. Clough:

A- We are writing to express our opposition to game farms in general and the Big Velvet Game Farm in particular. To our way of thinking the term game farm is an oxymoron. Game are wild animals and should not be kept in captivity except for those recovering from injuries or for other reasons must be kept in a safe refuge. For people to fence in locally native wild animals for profit is almost indecent.

B- The Big Velvet Game Farm has taken their operation far beyond any level of decency. Big game "hunts" behind fences and antlers for aphrodisiacs are totally immoral. The list of other abuses - loose animals, stream pollution, illegal dams and road construction - are all well known to you already.

At the very least, the BVGF must be prevented from expanding, fencing in a large wild area which has been a migratory route for big game animals since before civilization came to the Bitterroot. At best, the BVGF should be completely shut down and all its fences destroyed.

Thank you for your attention to our concerns.

Sincerely,

*Nancy and Ron Osborn*

Nancy and Ron Osborn

**5. Nancy and Ron Osborn**

**A. Comment noted.**

**B. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**



MAY 9 1997

E. Northrup

214 SKYLARK RD

GLASGOW, MT. 59230

May 7, 1997

DFWP Regional Sup.

Rich Clough

Dear Sir:

Thank you for this opportunity to comment  
on the D.E.I. for expansion of Big Velvet  
Game Ranch.

A

Due to the many violations of governing laws  
involving "Big Velvet", I oppose any expansion  
of their operations. They show callous  
disregard for game farm statutes and  
water quality standards and future expansion  
will result in a high probability of loss of  
fish spawning habitat.

B

Further, I believe their current license  
should be revoked considering their  
past history!

E. Northrup

**6. E. Northup**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



**C.J. Griffith**

**LETTER #7**

MAY 16 1997

May 15, 1997

Rich Clough, DFWP Reg. Supr.  
3201 Spurgin Road  
Missoula, MT 59801

Dear Rich:

Please include my name on the list of those persons opposed to the expansion of the Big V elvet Ranch/Game Farm near Darby.

A  
As a former regional executive for the National Wildlife Federation, now retired and living in Montana, I have had too much experience over the years with outlaw game ranchers in this and other states to lend any support to the expansion of a game farm with such a clouded record of violations. The FWP Department will not be serving the interests of wildlife or the majority of its citizens by acceding to the wishes of this game farm's owners and operators. As has been suggsted widely, the department would better serve the interests of the people of Montana by revoking the farm's current operating permit. Such  
B  
action would serve notice on the game farm industry in this state that it badly needs to clean up its act.

Please include this statement in the responses for comment on the DEIS.

Thank you.

Sincerely,

*Charles J. Griffith*



**7. C.J. Griffith**

- A. Comment noted. Refer to response No. 14 and the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



# Prickly Pear Sportsmen's Association

LETTER #8

MAY 16 1997

May 14, 1997

Mr. Rich Clough  
Regional Supervisor  
Department of Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula, MT 59801

Dear Mr. Clough,

The Prickly Pear Sportsman's Association of Helena, Montana is the largest sportsman's club in Montana's capital city. Our members hunt and fish throughout Montana and take an interested in protecting fish, wildlife and the environment that produces them and preserves their wild character.

A - At our most recent meeting the club voted by overwhelming majority to support the **no action alternative** in the Montana Department of Fish, Wildlife and Parks' draft EIS addressing the expansion of the Big Velvet Game Farm. Members also expressed the opinion that the MDFWP should exercise the full extent of its authority relative to the documented history of violations associated with the game farm's license to operate. If revocation of that license is within the MDFWP's  
B - authority we urge full exercise of that authority. Our club feels that game farming represents a serious and persistent threat to wild free range wildlife and as such should be first discouraged and second stringently controlled where they presently exist.

Thank you for your consideration of our organization's concerns.

Sincerely,

Jim Posewitz  
President

**8. Jim Posewitz**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Refer to responses No. 14 and 35.**



LETTER #9

9 1997

May 7, 1997

DFWP Regional Supervisor  
Rich Clough  
3201 Spurgin Road  
Missoula, MT 59801

Dear Mr. Clough,

A — Please do not expand the Black Velvet Game Farm acreage. Also, work to enforce the existing rules and requirements to prevent degradation of the surrounding wildlife. If the rules and regulations are not met, start closing proceedings. B

Sincerely Yours,



Bernard W. Lea  
90 Vista Dr.  
Billings, MT 59102

cc: Citizens Against Game Farm Expansion  
Ravalli Fish and Wildlife Assoc.  
Montana Wildlife Federation

**9. Bernard W. Lea**

**A. Comment noted.**

**B. Comment noted. Refer to responses No. 14 and 35.**

5-10-97

The same farm south  
of Darby should be  
closed. Animals are  
going both ways and  
it's dangerous for the  
wild ones.

A  
Suzanne McDaniel

MAY 13 1997



**10. Suzanna McDougal**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Rich Clough

MAY 12 1997

FWP Regional Supervisor

Dear Sir,

I AM A MONTANA Sportsman. And  
A Outfitter License # 4110. This is  
About my concerns. About game farm  
And the expansion of the Big Velvet  
Elk Ranch, my vote go for Alternative  
No Action Alternative.

And now about the existing game  
farm perimeter fence. we both know  
A - that the electrical fence does not  
work. It time to Double fence.  
the electrical fence has been determined  
to be ineffective and difficult to maintain  
So lets Double fence and save our wild  
life.

Thank you

*H. Earl Butler*  
*Butler Outfitter*

yours in huntin  
H. Earl Butler  
PO Box 701  
Dorby mt 59029

**11. H. Earl Butler**

- A. Comment noted. Refer to response No. 29 and to the Summary of Comments in Support of the No Action Alternative.**



5-9-97

Dear Mr. Clough:

A I would support  
revocation of the current  
game farm license held  
by Big Velvet Game Farm.  
In view of the record it  
should certainly not be  
expanded!

~~Sorry~~ I could not  
attend  
the hearing on May 6.

Sincerely,  
M.E. Quenemoen

M.E. "Gene" Quenemoen  
606 Frank Road  
Belgrade, MT 59714

Phone: (406) 388-6982

MAY 12 1997

**12. M.E. "Gene" Quenemoen**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

PHONE LOG for WALLACE GAME FARM EXPANSION

NAME Paul Rosedahl PHONE \_\_\_\_\_

ADDRESS 1550 W. Kent Mola. 59801

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

Brief Comment: Don't think we should buy any  
of his land because then we'd be  
involved in "go keeping" We should  
put \$ in better management.

A-



13. Paul Rosedahl

A. Comment noted.

Department

I would like to lodge my protest to all Game farms other than those to preserve a certain species.

A- Montana should follow the example of some of its neighbors and abolish the game farms.

Even more so since it has failed to prosecute for infraction.

Most of the people I have talked to agree.

Stop them

Thank You

Bill Bethke

Jayce Bethke

7 1937

**14. Bill Bethke & Joyce Bethke**

**A. Refer to response No. 35.**



MAY 8 1997

LETTER #15

May 7, 1997

Montana Department of Fish, Wildlife and Parks  
Region 2 Office  
3201 Spurgin Road  
Missoula, Montana 59804

Gentlemen,

Please accept this letter as my comment regarding the current situation and proposed expansion of the Big Velvet Game Farm near Darby, Montana

A -

I oppose game farms in general in Montana which raise any big game species occurring wild in our state, believing them to be a very real threat to our wild game and an insult to hunting in general. However, this is an area of legislation not regulation and belongs in a different venue.

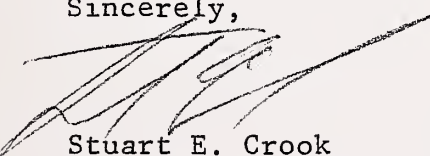
B -

I believe the proposed expansion of the Big Velvet farm should not be allowed. To my observation, Big Velvet owner Len Wallace has persistently violated water quality and fencing mandates under which his operation was originally permitted and has exhibited no willingness to correct repeated violations. Expansion of his facility will exacerbate these problems and encourage further violations.

I also consider use of Department funds, primarily generated by hunting license fees, to effectively defend public hunting and wild game against threats by a few individuals for their own gain, as improper.

I urge denial of any expansion of Big Velvet's operations and urge your department to strictly enforce regulations already in effect regarding operation of this facility.

Sincerely,



Stuart E. Crook  
812 Cherry Street  
Missoula, Montana 59802  
(406) 542-2379

**15.     Stuart E. Crook**

**A.       Comment noted.**

**B.       Comment noted. Refer to responses No. 14 and 35 and to the  
Summary of Comments in Support of the No Action Alternative.**

April 30, 1997

LETTER #16

Dept. of Fish & Wildlife

We have been following  
the Big Velvet Ranch Projects.  
They have not been kind  
to the environment and they  
are not getting better, only  
worse.

"Please Do Not" give  
Big Velvet any more expansion  
permission. We feel that  
they do not deserve it as  
they have not done what  
they agreed to do in the past  
and have many violations  
against them.

Sincerely  
Mike & Georgia Krosch  
Box 579  
Florence, MT

MAY 2 1997



**16. Mike and Georgia Korsch**

- A. Comment noted. Refer to responses No. 14 and 35 and to the Summary of Comments in Support of the No Action Alternative.**

APR 28 1997

LETTER #17

April 24, 1997

Mack Long  
Fish, Wildlife and Parks  
3201 Spurgin Rd  
Missoula MT 59804

Re: proposed expansion fo the Big Velvet Ranch Game Farm.

A - My public comment is this: As I am opposed to Games Farms for moral reasons, I am certainly opposed to any expansion of any Game Farm in this state. The so-called Game Farm is a blight on the wonderful state of Montana. Our noble elk deserve respect and the right to be forever wild, as they were created to be. A Game Farm is nothing but a shooting gallery for someone's sordid gain. I abhor the barbaric concept of these shooting galleries. It is my fervent hope that some day all mankind will see the error of his ways and give the creator's four-legged creatures the respect they deserve. Until then, I can only cry out with all my heart against the stinking smell that emanates from this putrid shooting gallery.

Sincerely,

*Jeannette Winters*

Mrs. Jeannette Winters  
399 Sheafman Creek Rd  
Hamilton MT 59840

cc: Governor Marc Racicot

**17. Mrs. Jeannette Winters**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**



LETTER #18

Acknowledgement  
Sent 4/28/97

**REX BOLLER, CPA**

**CERTIFIED APPRAISER # 442**

**MT. BROKER - CONSULTANT**

**P.O. Box 937, Kalispell, Montana 59903**

**406-756-1343, (Phone & Fax)**

April 24, 1997

Mack Long  
Warden Capt.  
R-2 FWP  
3201 Spurgin Rd.  
Missoula, Mt. 59801

re: Len Wallace-Velvet Game Farm

Dear Warden,

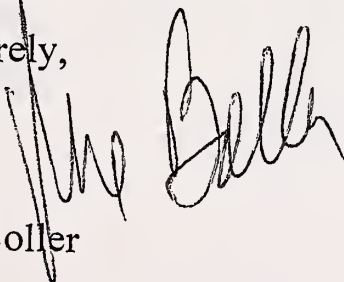
A Please accept this letter as to express my *opposition* to the expansion of the above game farm for appx 1,100 acres, 300 elk, 30-40 Mule and Whitetail Deer.

A There is abundant proof that game farms pose a threat to the Native Elk population, all fully documented and researched as performed by the State of Wyoming, along with it's wise and prudent decision to restrict game farms.

B In any event the expansion should be put on hold pending further research. Additionally, the recent problems with the neighbors is only going to be aggravated by any expansion.

B Sportsmen and friends of mine alike feel these "Game Farms" will ultimately be to the detriment of the local Elk, sportsmen and all people who enjoy the outdoors.

Sincerely,



Rex Boller

**18. Rex Boller**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comments noted.**

Fish, Wildlife and Parks Department  
3201 Spurgin Road  
Missoula, Mt. 59804

May 7, 1997

Sir/Madam:

A I am writing to express my opinion concerning the Game Farm Issue. I am against the expansion of the Big Velvet ranch. I believe that this ranch poses a potential hazard to ground water down stream. I believe it is safe to say that the people at the farm has not lived up to the laws that are on the books. I don't think that the public should suffer just so that a private citizen profit. It seems that some people will support the ranch just to benefit their own financial gains. As part of the public I'm not willing to risk the water and the health of the wild game for the Wallace's pocket book.

R. Schuelke

MAY 8 1997



**19. R. Schuelke**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**

Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula, Montana 59804

May 6, 1997

We are writing this to let you know that we adamantly oppose the Big Velvet game farm and the way Fish, Wildlife and Parks has allowed Mr. Wallace to circumvent the requirements set forth in his contract to operate the game farm. It's bad enough that the State of Montana allows game farms in the first place. The bad name hunting and hunters get because of these "canned hunts" certainly does not help our cause but, in our opinion, what is even worse is that your agency allows the Wallaces to commit frequent and flagrant violations and nothing is done about it. Your enforcement officers certainly are not hesitant about issuing citations for minor and sometimes honest mistakes resulting in violations of the fish and game laws but something as serious as the violations the Wallaces have committed are whitewashed and negotiated away.

Every concerned hunter in Montana knows the risk being taken by allowing game farms to operate here. The chance that the animals on these game farms could spread serious diseases to our wild and native elk and deer herds is very real yet the State of Montana is willing to take this chance and the Department of Fish, Wildlife and Parks is not willing to do what is required of them by enforcing these rules and regulations. Maybe a lawsuit should be filed in District Court to settle this issue and compel the Department to act in the best interest of the game herds and the hunting public of this State rather than allowing you to continue to coddle the Wallaces.

Robert Cordle

Shirlene Cordle

PO box 595  
Victor, Montana 59875  
777-3019

**20. Robert Cordle and Shirlene Cordle**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comments noted.**



May 6, 1997

Kenny Ford  
300 N 1st  
Msla, MT 59802-3626

F W P Dept.  
3201 Spurgin Road  
Msla, MT 59804

Dear people of the Fish Wildlife and Parks department,

A - I am writing to express my opinion and perhaps my opposition to the expansion of the Big Velvet Game Ranch. In the first place the ranch has broken the rules many times according to F W P records documenting animals leaving and entering the ranch. The owners also have not complied with the double nine-foot fence requirement and have constructed illegal dams on Lowman creek. There are other good reasons not to grant this request for expansion.

B - I am against all game farms that fence in our native elk, deer, moose, big horn sheep, mountain goats, antelope, or any other wild ranging game animals except buffalo. I think we in Montana should do the right thing like Wyoming did and ban them. I think game farms prostitute wild game for financial gain and for rich folks to be abled to tell lies about their great hunt in Montana.

C - I think that if they are allowed to continue the number will grow and the size will grow. The result is disruption of natural migratory routes due to fences, threats of disease to indigenous populations of wild game, and eventually less opportunity for real hunters to be abled to hunt. Please do the right thing and deny requests for game farms. I would also ask that you speak with your state representative or senator and ask them to draft legislation to ban game farms in Montana.

D - I also think that it is inappropriate that the money we pay for

E -

our hunting and fishing licences should be used to regulate and inspect enterprises which ultimately may lead to a decreased opportunity to hunt as well as an increase in the cost of tags and licences.

E -

I also believe that in the long run game farms will place a greater burden on public lands and smaller and less healthy herds will result.

I thank you for listening to my concerns. Keep 'em running swimming and flying!

Sincerely,

Kenny Ford

**21. Kenny Ford**

- A. Refer to responses No. 14, 29 and 35.**
- B. Comment noted.**
- C. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- D. Comment noted.**
- E. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**





LETTER #22  
**FLATHEAD WILDLIFE, Inc.**  
**P.O. BOX 4**  
**KALISPELL, MONTANA 59903**

May 9, 1997

MAY 12 1997

Mr. Rich Clough, Regional Supervisor  
Fish, Wildlife & Parks  
3201 Spurgin Road  
Missoula, MT 59801

Subject: Big Velvet Game Farm

Dear Mr. Clough:

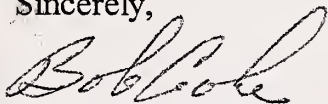
The Board Of Directors of Flathead Wildlife, Inc.(FWI) reviewed and discussed the Draft Environmental Impact Statement for the Big Game Farm expansion application and asked that I reply on behalf of the club. While FWI has not taken a position in opposition to game farms, we must vehemently oppose this expansion.

With the applicant's history of violations and non-compliance, the potential for disease transmission and genetic pollution to the wild game population is too great to ignore. The Wyoming citation indicates that the applicant has illegally transported animals, and that diseases and/or hybrid animals may have been brought to the ranch. The applicant's illegal activities in the watercourses leading to Rye Creek in the past, and presumably in the future, may have and certainly could lead to disease transmission through the stream system.

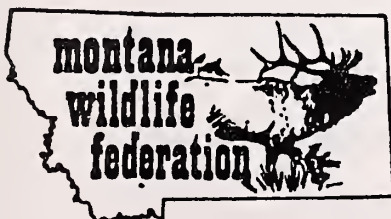
The mitigation measures described in the draft EIS would go a long way to protect the wild herds and water quality if the applicant would comply. It appears, from his past performance, that he would not. The potential for damage to Rye Creek and downstream water quality is unacceptable.

FWI, therefore, asks that the application for expansion be denied and, further, that the operational permit for the ranch be revoked on the basis of recorded violations.

Sincerely,



Bob Cole, President  
Flathead Wildlife, Inc.



The Wealth Of Our Nation Is In Its Natural Resources  
Preserve It By Conservation, Not Conversation



**22. Bob Cole**

- A. Comment noted. Refer to responses No. 14 and 35 and to the Summary of Comments in Support of the No Action Alternative.**



LETTER #23

Rich Clough  
DFWP Regional Supervisor  
3201 Spurgin Rd.  
Missoula, Mt. 59801

May 12, 1997

MAY 13 1997

Dear Sir:

This letter is to make my opinion known regarding the expansion of the Big Velvet Game Farm. I oppose any kind of expansion permit being granted based on the history behind the existing area. I attended the first meeting in 1991 and had a different impression of what they planned on doing with this operation. Since the beginning, the operators have not complied or done the things they originally said they would do. The fencing is inadequate, and is not what I remembered they agreed to put in at the onset of the licensing procedure. They have been issued numerous violations from different agencies, and granting an expansion would only mean, in my opinion, additional headaches for the agencies involved, and additional taxpayer dollars going to subsidize an industry that exploits wildlife and other natural resources.

A- This operation's management has shown disregard for water quality and disregard for game farm statutes. There has already been enough displacement of wildlife by the fencing off of critical mule deer habitat. This expansion would further impact the upper valley mule deer herd, which is in enough trouble as it is without this taking place. We need to protect our natural resources, not sell them off to the highest bidder. I understand that some people may feel they can line their pockets by supporting and working for these people, but when the amount of money spent on this EIS exceed the dollars taken in by the sale of licences in Ravalli county, I feel the total impact is negative, and not only should the expansion be denied but the current license should be revoked.

B- I have previously been silent regarding this for fear of reprisal from the Wallaces, as you may have noticed any one who has been outspoken in opposition to them has had some sort of harassment or threats made to them. I hope that by writing this letter I don't end up on their hit list. I have been silent long enough, I am now aware of what steps to follow should they decide to put my name on their list, hopefully that won't happen. I know of others that fell as I do but will not speak up for fear of reprisal.

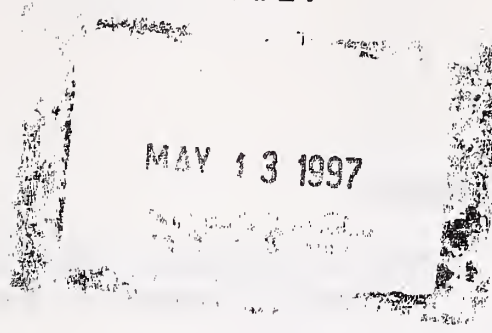
Sincerely,

Cris Fae  
134 Sleeping Child Ct  
Hamilton, Mt 59840

**23. Cris Faes**

- A. Comment noted. Refer to responses No. 14 and 35 and to the Summary of Comments in Support of the No Action Alternative.**
- B. Refer to response No. 2**

LETTER #24



PO Box 423  
Hamilton, MT 59840  
(406) 375-6314  
Fax: (406) 375-6326

Scott Spear  
PO Box 423  
Hamilton, MT 59840

May 9, 1997

Rich Clough  
3201 Spurgin Road  
Missoula, MT 59840

RE: Proposed Wallace game farm expansion.

Dear Mr. Clough:

I am personally opposed to the expansion for several reasons. I believe that private property rights must be upheld, as long as these so called rights are not to the detriment of the greater public good.

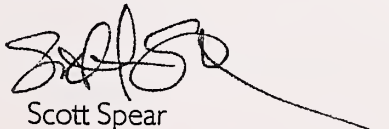
Laws prohibit individuals or firms from conducting operations on their property if there is a reasonably ascertainable likelihood of a specific action harming the public in general. The Wallace game farm is clearly in this situation for the following reasons:

- ◆ History of ingress/egress which may transmit disease to wild and publicly owned game populations.
- ◆ Blockage of winter range will undoubtedly hurt a mule deer population which is already in a serious state of disrepair. This will further restrict wild and publicly owned mule deer herds by restricting them to smaller areas of critical winter range, thus making starvation more problematic, disease transference more likely, as well as increasing the probability of predation.
- ◆ The number of violations incurred by the operation provides a reasonable estimation of the current future actions of the game farm in regards to these issues.

Furthermore, the single fence proposal should never have been adopted, and as a result of the initial tentative approval, further requirements for a double fence may be susceptible to a legal challenge.

In summation, the Wallace game farm does not have the right to limit the public's use of wild animal populations, by disease and general decline, for their own profit.

Thank you,

  
Scott Spear



**24. Scott Spear**

- A. Refer to responses number 14 and 35 and to the Summary of Comments in Support of the No Action Alternative.**

MAY 9 1997

5-8-97

Cate Campbell  
19600 Twin Lakes Rd  
Frenchtown, MT 59834

Mack Long  
FWP, Regional Office  
3201 Spurgin Rd  
Missoula, MT 59804

Dear Mr. Long,

A - I attended, but did not submit testimony at, the scoping meeting in Hamilton last night concerning the permit expansion for the Big Velvet Elk Farm. I would like to go on the record to recommend against the expansion, in other words: the "no action" alternative. I have kept an open mind, listened to the testimony presented by others, as well as reading the EIS and have concluded the owners of the elk farm need more time to understand and comply with the existing state laws.

B - In the unfortunate event that FWP sees fit to expand the permit area, I would encourage you to pursue the proposed action with mitigating measures. The numbers of game farm animals listed in the EIS are far too large for the land to accomodate. One need not be a biologist to see what an adverse impact the density of animals is having on the land in question.

By the way, the man who ran the meeting did an excellent job under stressful conditions. He "controlled the room" in a way that was masterful and subtle. He set a necessary tone of mutual respect. Without him as referee, we'd never have had a civil discussion of this hot-button issue. Who knew when you went into wildlife biology or fisheries management, you'd also have to take a semester in mediation and crowd control?!

Thank you,

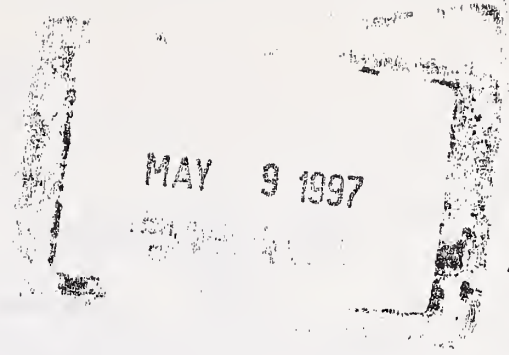
*Cate Campbell*  
Cate Campbell

**25. Cate Campbell**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



LETTER #26



May 7, 1997

Fish, Wildlife and Parks Department  
3201 Spurgin Road  
Missoula, Mt. 59804

Dear Sirs;

A - I am writing in regard to the Big Velvet Ranch game farm, whom it would appear is, immune to the laws regarding game farms in the state of Montana.

B - Since Feb. 1993, there have been several violations, or deviations from state law. The game farm was supposed to build a double, nine foot fence, which they did not. Rather, they were allowed to erect an "alternative experimental" design, which is only 8 feet, 4 inches high. It is my understanding that the fencing requirements are to insure keeping the game farm animals and native wild life species separated for health purposes. Why wasn't the issue of the fence alone never followed up on?

C - There is also the issue of violations of the Montana Water Quality Act in April of 1994. Not only were the stream banks of Rye creek damaged, but four illegally constructed dams were placed on Lowman Creek. In May of 1994, notice of Big Velvet's violations of the Federal Clean Water Act was issued by the Army Corps of Engineers, and again, no action was taken.

D - I feel that the Big Velvet game farm is in will full violation of the law and has made no effort to correct their transgressions. The Fish, Wildlife and Parks Department needs to take action, as they would in a heart beat with timber and mining interests, to correct the wrongs that have been ignored for the past four years. Big Velvet has been in violation of state and federal laws for far too long. It is time to close down the operation and levy the appropriate fines against the owners. Certainly, it is not the time to consider allowing the expansion of an operation who has no regard for the law. I would also like to say that the personal problems of the owners, and their on-going feud with their neighbors has no merit in the decisions of the Fish, Wildlife and Parks Department.

Sincerely Yours,

*Ruth Caudill*  
Ruth Caudill

**26. Ruth Caudill**

- A. Comment noted.**
- B. Refer to response No. 29.**
- C. Comment noted. Refer to response No. 35 and the Summary of Comments in Support of the No Action Alternative.**
- D. Refer to response No. 14.**

5/8/97

A

Dear Phil:

I was unable to attend the public hearing re: the Big Velvet Farm Farm and the request for expansion, but feel that I need to comment on this situation, or feel forever guilty for not doing.

For years I toured the hills involved, and must say that the scenery was much more beautiful than. Mule deer were readily seen, without exception. I have grave concerns over winter range for these animals -- I just don't think they're going to understand Sen Wallace's efforts to control and change this area for the profit (nor do I!). Water quality is also an issue, as well as health of the animals in and around this area. I also wonder what impact it has had on smaller animals in this area. You cannot change such a large area, involving several different species, without impacting more than probably any of us realize, at this moment.

Please consider revocation of the current permit or license that the B.V.R. holds, as well as emphatically denying the request for expansion. Removing fences and restoring the land (as much as possible) would also go a long way to right this wrong that has been allowed to evolve in this area.

Thank you for the chance to comment -- I trust that you will make a wise decision. Sincerely, Kathleen Mauer

**27. Kathleen Mauer**

**A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**





LETTER #28

## Friends of the Bitterroot

P.O. Box 442  
Hamilton, Montana 59840

May 4, 1997

Montana Department of Fish and Game

Re: Big Velvet Game Farm

MAY 9 1997

Friends of the Bitterroot supports the no-action alternative to reject the permit to expand the Big Velvet Game farm. Friends of the Bitterroot also requests that the permit for the current permit be revoked.

We have four primary concerns that have led us to this decision.

A - First, the wildlife in the area cannot afford the loss of habitat, particularly for the Mule Deer herd that uses the expansion area for winter range. Loss of this range will decimate this herd. This means less meat on the table for subsistence hunters in the Darby area and further degradation of wildlife values in the area - values which are cited as the primary reason for the new surge of tourism.

The loss of habitat extends to Rye Creek because of the practices, some of them apparently illegal, in the operation of the game farm. The entire community depends on clean water and good fisheries, that according to the record, has been significantly degraded by the Big Velvet operation.

This brings us to the second point, the failure to comply with the existing permit. We cite the infractions listed in the Draft EIS as evidence.

B - The Big Velvet Game Farm permit is a "public property" issue. I will remind the Fish and Game Department that the permitting process is important for activities that have the potential to harm the public as a whole. Those who would say that we should not regulate potentially harmful activities, even on private land, need to remember that regulation is the reason we have safe drinking water, good health care, safe air travel, and numerous other social activities that we take for granted in the US. A visit to a country that does not have regulations in any of these areas of activities makes a convincing case.

C - The third point is that the approach to the environmental analysis is severely flawed. This Draft EIS repeats the mistake made in the evaluation of the current permit. The environmental and social consequences of the current permit was based on the impact of 150 animals. Because the permit did not do the obvious, limit the permit to 150 animals, we now have a game farm with 900 animals. The original analysis would need to be redone even if the permittee were complying with its provisions.

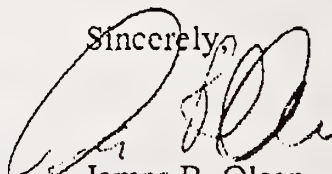
The public and decision maker can anticipate that the analysis of the expansion area for 300 animals will again be invalid and we will find ourselves with the impact of a similar "elk inflation" that would yield 1,800 animals.

The final point, is that we have had reports, that the permittee has attempted to subvert the public process with personal threats. I have a child and pets, and understand the anguish that the Wallaces must feel for their child and dog. I am sure our members share this. We would certainly be willing to defer this public process until a less painful time for the Wallaces.

D- Mrs. Wallace called me last week and told me that I was going to get sued because I lied at the last hearing. She talked about using power and money and I would have to hire a lawyer. She could not remember who I was or what I said, however. If we got any facts, wrong at the last hearing, we will be glad to correct them, publicly and for the record. However, we do have a right to our opinion and the right to express it and we are here tonight doing just that.

We have had reports that this has gone further in conversations with other people, in that they have been specifically threatened with personal consequences if they spoke up at this hearing. We call on appropriate authorities to investigate any such complaints and, if found to be accurate, to take appropriate action to protect our First Amendment rights. If found to be true, it would be appropriate to deny the permit to expand and revoke the current permit on this basis alone.

Sincerely,

A handwritten signature in dark ink, appearing to read "James R. Olsen", written over the typed name.

James R. Olsen  
President

**28. James R. Olsen**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**
- C. Refer to response No. 1.**
- D. Refer to response No. 2.**







## Ravalli County Fish & Wildlife Association

P.O. BOX 938 • HAMILTON, MONTANA 59840-0938

May 23, 1997

~~LCF 87-4-426(3)~~

MAY 16 1997

Rich Clough  
Regional Supervisor  
Montana Department of Fish Wildlife and Parks  
3201 Spurgin Road  
Missoula, Montana 59802

Re: Comments on the Draft Environmental Impact Statement for the Proposed Big Velvet Ranch Game Farm Expansion

Dear Mr. Clough:

A- This letter provides the comments of the Ravalli Fish and Game Association on the Draft Environmental Impact Statement ("DEIS") for the proposed Big Velvet Game Farm expansion. Our Association strongly opposes the expansion of the Big Velvet Game Farm, and we believe that the DEIS provides ample evidence why the Department of Fish, Wildlife and Parks should deny the expansion license.

These comments provide details for three important findings related to the DEIS: (1) the impacts disclosed in the DEIS relating to wildlife resources are severe enough to warrant denial of license under MCA 87-4-426(3); (2) the impacts related to water resources have not been adequately analyzed and consequently a preferred alternative cannot be determined; (3) additional mitigation measures are necessary if the issuance of a game farm license is considered as the preferred alternative.

B- Montana, like other Rocky Mountain States, is celebrated for its native wildlife populations. Our wildlife is a significant cultural and economic asset. The Department of Fish Wildlife and Parks ("FWP") is aware that strict regulatory control over game farms is critical for the protection of Montana's wildlife habitats and premiere wildlife populations. A key aspect of this regulatory oversight is the ability and necessity of exercising the authority to deny a game farm application when the disclosed potential impacts significantly harm our wildlife.

### **The DEIS Demonstrates That There Will Be Unacceptable Impacts to Montana's wildlife resource.**

C- Under the Game Farm License Law, MCA 87-4-426(3), an application for a license may be denied "if necessary to prevent public safety hazards or significant negative impacts to Montana's wildlife resources." The denial must be based on one or more of the following potential impacts:

- a. substantial loss or destruction of critical seasonal game animal habitat;
- b. blockage or disruption of major traditional seasonal migration corridors or major travel routes;
- c. unacceptable threat of introduction or transmission of serious diseases, as determined by state veterinarian;
- d. unacceptable threat of escape of captive game farm animals and establishment of feral populations that would result in habitat damage or competition with or genetic pollution of native wildlife populations.

Given these criteria and the information provided in the DEIS, the Department must deny the license.



The DEIS estimates that 54% of the remaining Rye Creek winter range for wild elk and mule deer will be directly eliminated due to the Proposed Action as well as the Proposed Action with mitigation measures (Alternative A). At a minimum, the result of this loss for wild elk would be an increase in winter mortality. This assumes that accessible and adequate winter range is available in other drainages (DEIS p. 4-7).

D -

Additionally, the cumulative impacts related to wild mule deer are not adequately analyzed in the DEIS. The FWP department rules relating to environmental impacts statements define "cumulative impact" to include collective impacts related to the Proposed Action by location or generic type (ARM 12.2.429(7)). The cumulative impacts associated with the estimated loss of 75% of mule deer habitat and expected long term herd reduction of 650 deer (DEIS p. 4-8) are particularly "critical" in light of the dramatic statewide decline in the mule deer population. The statewide impact due to the loss of habitat in Rye Creek constitutes a "substantial" loss of wildlife resources for the state.

E -

The DEIS discloses an additional negative impact associated with the location of the proposed game farm expansion in critical wildlife habitat. The wild elk and mule deer displaced by the expansion are impaired from migration to alternative winter ranges. Deer passage to the western portion of the Rye Creek winter range has already been blocked by the current operation. This impact will be extended and increased due to the expansion (DEIS p. 4-7). Additionally, the DEIS discloses an additional source of mule deer population decline due to increased predation associated with blockage of their travel route (DEIS pp. 4-7 and 4-12).

F -

The DEIS discloses the potential threat of disease transmission due to unreliable testing, ingress and egress of animals, and nose-to-nose contact between wild game and game farm animals (DEIS pp. 4-9 and 4-10). Although state regulations require testing that can reduce the potential for introducing diseases, the DEIS recognizes that "tests can be unreliable and some harmful diseases are not routinely tested" (DEIS p. 4-10). Additionally, this threat is unacceptable due to the disease history at the Big Velvet Game Farm. The DEIS does not include the 1996 disease outbreak of *Cryptosporidium* at the Big Velvet Ranch which caused the death of 30-40 elk.

G -

The DEIS also indicates that the Proposed Action poses an "unacceptable" threat of escape of captive game farm animals and establishment of feral populations that would result in habitat damage, habitat competition, or interbreeding with native wildlife populations (DEIS p. 4-10). The DEIS states that the existing fence surrounding the current operation is a "trial design" and has been determined to be ineffective and difficult to maintain (DEIS p. 2-8). There is no significant difference between the height of the "trial design" fence and the proposed fence in the expansion area.

H -

The Proposed Action with mitigation (Alternative A) does not adequately mitigate the need to deny the application based on the impacts listed in MCA 87-4-426(3), because the severity of impacts in (a) and (b) still exist and additional impacts related to the double fence-building and road building and maintenance are increased.

#### Water Quality Issues Require Additional Analysis

I -

In addition to the unacceptable impacts the expansion will cause on big game populations, the license must be denied due to the unresolved water quality impacts on Rye and Lowman Creeks. Essential to this analysis is the issue of water quality monitoring. The DEIS states that the Proposed Action does not include any monitoring of environmental resources (DEIS p. 2-7). Given the history of compliance problems with water quality laws, this operation must be required to include environmental resource monitoring as a condition of the FWP license.

J

The DEIS does not adequately analyze the potential impacts from an increase in the population of game animals on surface water and groundwater quality. The Montana Department of Environmental Quality ("DEQ") has determined that the current BVR livestock operation has been illegally discharging animal wastes into Rye Creek and in order to comply with water quality laws it must secure a general permit for concentrated animal feeding operations ("CAFO") (March 4, 1997 letter from Tim Byron, DEQ to Len

J - Wallace, BVR). Under the terms of the general permit, wastewater discharges into state waters and groundwater are not allowed except under specific precipitation events. (March 27, 1997 letter from Frederick Shewman, DEQ to Len Wallace, BVR and ARM 17.30.715). The permit also requires specific waste disposal, self-monitoring and reporting activities. None of the potential impacts and possible mitigation options associated with these water quality problems are analyzed in the DEIS for the game farm expansion.

K - Under the federal Clean Water Act, the State of Montana is required to identify "impaired" waters and to prepare a total maximum daily load allocation for those pollutants causing the impairment. While Rye Creek is not presently on Montana's list of impaired waters, the water quality impacts caused by the Big Velvet Ranch make it apparent that the Rye Creek should be evaluated by the Department of Environmental Quality and a schedule for TMDL development identified. These steps should be taken prior to any issuance of a license for an expanded game farm operation that will cause additional water quality problems.

#### **Additional Mitigation is Required if License is Issued**

L - The DEIS discloses a number of violations of fish and game laws and other applicable laws and regulations by the BVR game farm from 1992-1997 (DEIS p. 2-6). A new license cannot be issued with pending violations of the existing operation without the risk of violating a provision in the game farm licensing law which states that licenses may not be issued to an applicant who has been convicted of or who has forfeited bond of \$100 or more for more than one violation of the fish and game laws or applicable regulations of any state or the United States within a 5-year period prior to the application (MCA 87-4-426(1)(b)).

M - The DEIS fails to address the importance of these violations by neglecting to include the adequate resolution of these charges as additional mitigation measures required by the license. The definition of "alternative" in the FWP EIS regulations state that an "alternate approach or course of action that would appreciably accomplish the same objectives or results as the Proposed Action" (ARM 12.2.429). The inclusion of alternatives which remedy the past violations at BVR is consistent with this definition of "alternative."

N - The DEIS concludes that the fencing for the existing operation is inadequate. As mentioned above, the DEIS states that the existing fence surrounding the current operation is a "trial design and has been determined to be ineffective and difficult to maintain" and the "history of ineffective fencing at the existing game farm indicates that the cumulative impact of the existing game farm and Proposed Action would result in a higher risk for transmitting harmful diseases. . ." (DEIS pp. 2-8 and 4-22). Any mitigation to improve the fencing of the proposed expansion is completely ineffective unless the fencing of the entire game farm is included in this requirement. The current fencing problem must be resolved before FWP considers the issuance of a new license for expansion.

O - The water quality violations at BVR, issued as a Notice of Violation and Order to Take Corrective Action by DEQ in 1997, contains stipulations for compliance in order to secure the CAFO permit. The compliance deadline is November 1, 1997 for the following requirements:

1. Providing an additional 25 to 30 feet of separation between the pens and the Rye Creek floodplain in the areas specified in the report;
2. Discontinue the use of the small confinement area adjacent to the irrigation ditch in the southern end of pen #7;
3. Prevent runoff discharge to the irrigation ditch at the culvert under the access road immediately north of the circular grouping pens;
4. Reclaim the erosion channel in pen #1 that has carries runoff from the surface of the pen to the east roadway borrow ditch on Thorning Loop Road and then northward into Rye Creek (March 27,



1997 letter from Frederick Shewman, DEQ to Len Wallace, BVR).

In 1994, the U.S. Army Corps of Engineers ("Army Corps") issued BVR a notice of violation of the Clean Water Act resulting from unauthorized construction of dams on Lowman Creek (DEIS p. 2-6). In 1997, the Army Corps notified BVR that "significant restoration still needs to be completed (September 17, 1996 letter from Robert McInerney, Army Corps, to Len Wallace, BVR). The Army Corps recommended that BVR obtain the assistance from stream/riparian restoration experts to successfully resolve their "pending violation."

In total, additional mitigation (in addition to Alternative A) should include the requirement that the complete resolution of the following violations occur before the expansion is allowed to begin.

1. Restoration of Lowman Creek pursuant to the Clean Water Act violations issued by the Army Corps.
2. Completion of compliance requirements for the issuance of general CAFO permit for Clean Water Act violations issued by DEQ.
3. Sufficient corrective action on the inadequate fencing of the current operation.
4. Resolution of the May 1997 fish and game violations issued by FWP relating to inappropriately labeled mule deer in the existing operation.

Thank you for this opportunity to comment. Despite the fact that there are some inadequacies in this study, the DEIS clearly provides an analysis of negative impacts sufficient to warrant your choice of the "No Action Alternative." We look forward to receiving the final EIS hope that you will not hesitate to contact us for further clarification or questions.

Sincerely,



Arthur D. Callan, President  
Ravalli County Fish and Wildlife Association



**29. Arthur D. Callan**

- A. Comment noted.**
- B. Comment noted.**
- C. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- D. Refer to response No. 30.**
- E. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- F. Refer to response No. 31 and the Summary of Comments in Support of the No Action Alternative.**
- G. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- H. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- I. Refer to response No. 32 and the Summary of Comments in Support of the No Action Alternative**
- J. Refer to response No. 33.**
- K. Refer to response No. 34.**
- L. Refer to response No. 35.**
- M. Refer to response No. 36.**
- N. Refer to responses No. 29 and 37.**
- O. Comment noted.**
- P. Refer to responses No. 14 and 37.**



**MAXIM TECHNOLOGIES, INC  
HELENA OFFICE  
TELEPHONE CONVERSATION RECORD**

Project Name: BVR EISProject No. \_\_\_\_\_ Date 5/14/97To: Alice Stanley Time \_\_\_\_\_ ☐ am ☒ pmFrom: Wells Schutz Dol Phone No. \_\_\_\_\_

Left Message: \_\_\_\_\_

PAGE 1 OF 2

## Record of Conversation:

Dol Comments of the DEIS:

pg. 2-2 col. 2 - The shooter poster includes only the top portion of the 1800-acre pasture. Is unsure how many acres. — less than 600.

pg. 2-5 col. 1 - Unmarked deer are a result of leaving a bare number of wild deer in the 1800-ac pasture upon ~~the~~ closure. These animals were donated to BVR by FWP.

Dol has never approved the use of Reef Creek Road as a walkway for game farm animals through the gulches.

pg. 2-7 col. 1 The existing perimeter fence on the east side does not have wood poles. It has metal poles - T-posts that can be easily pushed over.

pg. 2-8 col. 1 change 60 inch to 6-inch.

Employee Signature \_\_\_\_\_



MAXIM TECHNOLOGIES, INC  
HELENA OFFICE  
TELEPHONE CONVERSATION RECORD

Project Name: \_\_\_\_\_

Project No. \_\_\_\_\_ Date \_\_\_\_\_

To: \_\_\_\_\_ Time \_\_\_\_\_ ☐ am ☐ pm

From: Loella DOL Phone No. \_\_\_\_\_

Left Message: \_\_\_\_\_

PAGE 2 OF 2

Record of Conversation:

pg. 2-9 col. 1 at top: "What is a "containment structure"? Clarify.

pg. 2-9 col. 1 - catch pens required under the transport of game farm animals mitigation measure. are not handling facilities.

pg. 2-9 col. 1 - make it clear that no bare number of animals will be allowed in the enclosed expansion area.

pg. 2-10 - the mitigation measure that was considered but not adopted to ~~be~~ install additional pens is unclear.

Employee Signature \_\_\_\_\_

**30. Luella Schultz (oral)**

**A. Refer to response No. 39.**





## LETTER #31

PRINT DATE: May 15, 1997

11:53

LEN WALLACE BIG VELVET RANCH 137 DOEHAVEN, DARBY, MT 59829  
OFFICE: 406-821-3131, FAX 821-3129 5/5/97

RE: 1100 acre expansion

Alice Stanley                      Doug Rogness  
Maxim Technologies  
1610 B St PO B 4699 59604  
Helena, MT 59601 1-406-443-5210 fax 1-406-449-3729

Gentle persons:

Regarding the draft EIS.

- A** 1) the draft EIS fails to point out the effect of reduced animal populations along Rye Creek, the main reason for the expansion A
- B** 2) 4-8 and others--The draft EIS repeatedly refers to 400-650 mule deer using the expansion area, etc, however fails to make adequately clear that long-term the area can support 162 mule deer. 162 mule deer not 650, not 500, not 450, not 400. 162. B
- C** 3) Draft EIS should mention C
- a) number of mule deer in Montana
  - b) number of highway killed mule deer per year in Montana
  - c) between Rye Creek & Stevi, 40 miles, 150 deer/year average road kill. Prox 4 deer/mile. How about fencing the road????
- D** 4) Draft EIS repeatedly mentions county road thru BVR, this is in error. Road is ranch-owned for most of it's length..
- E** 5) Table of Violations, 2-6: E
- a) ingress report not available 4/1, 4/10, 4/28. number of animals not in line with facts.
  - b) 5 items on list are for same problem
  - c) DOL cease & desist issued in error
  - d) BCD has personnell that are anti-game farm
  - e) Are any items on list not adressed by BVR management???
- F** 6) Draft EIS fails to mention number of cattle raised in Bitterroot & also AUM numbers in National Forest, what were they 20 years ago & what are they now??? What effect on Mule Deer population?? F
- G** 7) Draft EIS seems to accept at face value what looks to be input from FWP. Draft EIS must point out that such information is dubious, many FWP personnell oppose game farms. To my knowledge, no FWP personnell have ever lost their job or been demoted for activities in opposition to game farms. G
- I have had deer in the enclosure north of Rye Creek for almost two years. If the FWP thought I had no deer permit for that enclosure, why did they wait untill 7 days before this public hearing to take action??
- H** 8)Hybrids: Draft EIS repeatedly discussed hybrids, yet fails to H

PRINT DATE: May 15, 1997

11:53

point out that all animals at BVR are tested pure. Also fails to discuss that the free-ranging elk in the Bitterroot were brought from Yellowstone & probably bred with Red Deer from former Bitterroot Stock Farm.

- I. 9) Disease: Draft EIS fails to point out that in studies AD NAUSEUM, the wild population has failed to sustain TB, Brucellosis, etc, unless in an artificially concentrated feeding situation.
- J 10) Electric supplemental wire---wording should be, "effective if maintained" not "ineffective & difficult to maintain"
- K 11) Several fence schemes are mentioned. We would install a single fence to meet statutory requirements.
- L 12) draft repeatedly mentions erosion, additional silt, etc. Fact is that 650+ deer are using area now, and 300 elk that constantly have supplemental feed should actually cut down on erosion, sediment, etc., and that some of the 300 will be animals that are now in enclosures with close proximity to Rye creek, which should also cut down on erosion/ sediment, etc.

Thank you for your help,

Sincerely, Len Wallace.

cc: Milt Datsoupoulos/Hertha Lund 728-0810 fax 406-543-0134

**31. Len Wallace**

- A. Refer to response No. 3.**
- B. Refer to response No. 4.**
- C. Refer to response No. 39.**
- D. Refer to response No. 5.**
- E. Refer to responses No. 6, 7, and 8.**
- F. Refer to response No. 9.**
- G. Comment noted.**
- H. Refer to response No. 10.**
- I. Refer to response No. 11.**
- J. Refer to response No. 12.**
- K. Comment noted.**
- L. Refer to response No. 40.**





MAY 19 1997

LEE FOSS  
365 GOLD CREEK LOOP  
HAMILTON, MT 59840

May 16, 1997

FISH, WILDLIFE AND PARK  
3201 SPURGIN ROAD  
MISSOULA, MT 59804

DEAR SIRS

**RE: BIG VELVET GAME RANCH EXPANSION**

A- CONGRATULATION TO MR WALLACE AND THE BIG VELVET RANCH FOR RUNNING ONE OF THE BEST AND CLEANEST BUSINESSES IN MONTANA. HAVING WORKED AT DIFFERENT COMPANIES AND HAVING DONE BUSINESS WITH SEVERAL COMPANIES THEY ALL PANIC WHEN THEY ARE GOING TO GET INSPECTED BY A GOVERNMENT EMPLOYEE WHO IS LOOKING FOR AREA'S THAT THEY ARE NOT COMPLYING WITH A REGULATION. ACCORDING TO THE E.I.S. STUDY COMPLIANCE HISTORY IN 1996 HE HAD 136 INSPECTIONS FROM THE DEPT OF LIVESTOCK, FISH WILDLIFE AND PARKS PLUS SEVERAL TIMES THE BIG VELVET RANCH WAS INSPECTED ALSO BY THE FOLLOWING GROUPS, US ARMY CORPS OF ENGINEERS, MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION, BITTERROOT CONSERVATION DISTRICT, US DEPARTMENT OF INTERIOR. EACH ONE OF THESE GROUPS INSPECTED HIS RANCH WITH THE SOLE SCOPE TO FIND SOMETHING WRONG. ACCORDING TO TABLE 2-2 THEY FOUND 2 ITEMS NOT BAD, HOW MANY OF US COULD PASS THAT MANY INSPECTIONS WITH ONLY 2 VIOLATIONS. YET THE EIS STATEMENT GIVES HIM NO CREDIT FOR THIS GOOD RECORD.

**PROJECTED ALTERNATIVES**

B- S-2 EIS SAYS TO INSTALL A DOUBLE FENCE. YET NO WHERE DO THEY HAVE ANY INFORMATION THAT A DOUBLE FENCE IS GOING TO WORK ANY BETTER THAT A SINGLE FENCE. NO WHERE DO THEY SHOW A STUDY THAT TELLS YOU ANY DEER OR ELK CAN JUMP A 9 FOOT SINGLE FENCE. EVERYONE WHO HAS LIVED IN THE BITTERROOT VERY LONG HAS SEEN THE ELK AT THE SPOKANE RANCH AND I NEVER HEARD OF ANY ESCAPES AND THERE FENCE IS ONLY 8 FEET HIGH SINGLE FENCE WITH NO ELECTRIC FENCE.

B-

IF A RANCH IS TO ASK THE FISH AND GAME FOR HAY STACK PROTECTION <sup>Were</sup> ~~TELL~~ ARE TOLD ONE SINGLE FENCE 8 FEET HIGH WILL KEEP ELK OUT???

C-

ANIMALS TOUCHING THOUGHT THE FENCE PASSING INFECTIONS 4-10 STATES THAT BECAUSE A WILD DEER HAD TB AND DOMESTIC DEER IN THE SAME AREA ALSO TESTED POSITIVE THEN THE TB MUST HAVE COME FROM THE DOMESTIC DEER. IF THE D.O.I. AND FISH AND GAME WAS DOING THEIR JOB THE INFECTED DOMESTIC DEER SHOULD HAVE BEEN IN QUARANTINE. ISN'T IT POSSIBLE THAT THE INFECTION COULD HAVE BEEN PASSED FROM THE WILD DEER INTO THE DOMESTIC DEER INSTEAD. WE ALREADY KNOW FOR A FACT THAT THE WILD DEER IN YELLOWSTONE AND JACKSON HOLE HAVE INFECTIONS FROM THE BUFFALO HOW FAR HAVE THE WILD ELK AND DEER TRANSPORT THOSE INFECTIONS?

D-

S-2 TRANSPORT ANIMALS USING A TRUCK TO MOVE THEM 60 FEET. THIS TELLS YOU HOW MUCH THE E.I.S. STUDY GROUP KNOW ABOUT LIVESTOCK AND COST TO HANDLE THEM. FWP RULES REQUIRE A PRACTICAL AND /OR FEASIBLE FROM A TECHNICAL AND ECONOMIC STANDPOINT. IS THIS?? RYE CREEK ROAD IS A PRIVATE PROPERTY OWNED BY MR. WALLACE AND THE COUNTY AND NATIONAL FOREST HAS A RESTRICTED EASEMENT ACROSS THE RANCH OF WHICH BOTH AGENCY ARE NOT FOLLOWING THE RESTRICTIONS. CATTLE GUARDS AND GATES ARE TO BE KEPT UP AT THE COUNTY /FOREST SERVICE EXPENSE????

E-

WHY HASN'T THE FISH AND GAME FENCED THE RIPARIAN AREAS THEY ALREADY HAVE MORE ANIMALS IN THEM THAT WHAT THE BIG VELVET IS WANTING TO PUT IN THE AREA.

## COMMENTS ON SUMMARY OF IMPACTS

### #3 54% OF REMAINING RYE CREEK WINTER RANGE WOULD BE FENCED

F-

THE EIS STATEMENT STATES DOES NOT RECOGNIZE AN ADDITIONAL 6000 PLUS ACRES THAT SURROUND THE EXPANSION AREA THAT IS NOT IN THE 5500 ACRES (MAP 2-1) YET THE WATER SHED AREA (4-1) TAKES IN ABOUT 103000 ACRES. NOR DOES THE EIS ADDRESS THE FACT THAT WITHIN STUDY AREA FOR WATER THE 18 MILES BY 9 MILE AREA THERE IS TWO LARGE RANCHES OF 1000 ACRES AND 2000 ACRES THAT HAVE CONSERVATION EASEMENTS ON THEM FOR ELK AND DEER HABITAT. THIS MAP WAS VERY POORLY DRAWN AND WAS

G-

DRAWN INTENTIONAL TO MAKE IT LOOK GOOD FOR THE FISH AND GAME AND POORLY FOR MR. WALLACE. THE COST OF THE E.I.S. STATEMENT I WOULD HOPE A BETTER FIRM WILL BE USED NEXT TIME.



H- THE ELK RANCH AND THE NEIGHBORING RANCHES ON BOTH SIDES PLUS TWO OTHER RANCHES WITHIN THE STUDY AREA HAVE HAD THEIR NATIONAL FOREST CATTLE GRAZING LEASES OF OVER 1500 ANIMAL UNITS TAKEN AWAY TO GIVE MORE GRAZING TO ELK AND DEER. PLUS DARBY LUMBER LAND OF ABOUT 11000 ACRES HAS BEEN TIMBER HARVESTED CREATING EXCELLENT DEER AND ELK HABITAT WHICH WAS NOT INCLUDED IN THE STUDY AREA YET IT BORDERS THE EXPANSION AREA.

THE STUDY AREA FOR WATER QUALITY AND WILDLIFE RESOURCE CUMULATIVE IMPACTS TAKES IN ABOUT 103680 ACRES OR AN AREA 18 MILES WIDE BY 9 MILES LONG. IF YOU WERE TO ADD ALL OF THESE NUMBER IN TO YOUR PERCENTAGE THE PERCENTAGE OF THE NUMBER THAT THE EXPANSION AREA TAKES IN IS NOW JUST UNDER 3% OF THE TOTAL LAND WOULD BE FENCED FOR ELK RANCHING.

#### #4 INCREASED ROAD CLOSURES OF RYE CREEK ROAD

I- J- EVEN THOU RYE CREEK ROAD IS MAINTAINED BY THE COUNTY THE ROAD IS OWNED BY BIG VELVET RANCH AND THE COUNTY/U.S. FOREST SERVICE IS TO MAINTAIN A CATTLE GUARD AND GATES AT SEVERAL POINTS ALONG THE ROAD. BY RIGHTS MR. WALLACE MAY HAVE A CASE JUST TO CLOSE THE ROAD BECAUSE OF THE COUNTY/U.S. FOREST SERVICE IS NOT DOING THEIR PART IN THE ROAD EASEMENT AGREEMENT. SO A TEMPORARY ROAD CLOSURE MAY BE BETTER THAN NO ROAD EASEMENT AT ALL. THE ROAD COUNT USED BY THE EIS WAS TAKEN DOING PRIME LOGGING ON RYE CREEK. THIS ROAD COUNT IS WAY OFF UNDER CURRENT USE OTHER THAN THE STUDY FLOW OF FISH AND GAME TRUCKS INSPECTED THE RANCH EVERY OTHER DAY.

#### #5 ADVERSE EFFECT ON QUALITY OF LIFE DECREASE IN BIG GAME HUNTING

K- TO THE BEST OF MY KNOWLEDGE IT HAS BEEN SEVERAL YEARS SINCE THE FISH AND GAME HAS HAD TO STOP HUNTING EARLY BECAUSE OF THE GAME KILL HAS EXCEEDED THE NUMBER THEY WANTED TO KILL IN HUNTING AREA 270 SEVERAL YEARS I CAN REMEMBER THE SEASON BEING EXTENDED TO TRY TO KILL MORE ANIMALS. THEY NEVER SEEM TO GET ENOUGH SUCCESSFUL HUNTERS TO KILL OF THE ELK AND DEER. THEIR SHOULD BE NO NEGATIVE IMPACT TO THE NUMBER OF DISPLACED ELK AND DEER ESPECIALLY SINCE MOST OF THE GRAZING PERMITS HAVE BEEN PULLED IN THIS AREA OR GREATLY REDUCED.

L- IS THE QUALITY OF LIFE IS BETTER WITH A MASSIVE SUBDIVISION INSTEAD OF A LARGE RANCH AS A NEIGHBOR. PRICES HAVE INCREASED IN THE AREA NOT DECREASED MOST PEOPLE REALIZE THAT THE WALLACE'S HAVE A LARGE

L -

INVESTMENT AND MOST OF THE NEIGHBORS HOPE THAT THE ELK RANCH IS HERE TO STAY AND BE SUCCESSFUL. I AM ONCE AGAIN VERY DISAPPOINTED IN THE EIS FOR NOT TALKING TO ANYONE OTHER THAN EMPLOYEES OR SUBCONTRACTS OF THE FISH AND GAME TO GATHER INFORMATION. ONE CALL TO ME AND I COULD HAVE GIVEN THEM SEVERAL SALES IN THE AREA THAT REFLEX A LARGE INCREASE IN LAND VALUES AFTER THE RANCH WAS ESTABLISHED.

**#1 & #2 INCREASED EROSION AND OVER-UTILIZATION OF VEGETATION IN EXPANSION AND ADJACENT AREA**

SECTION 3-14 TABLE 3-2 DENSITY OF WILD MULE DEER RATIO TO ACRES

CURRENTLY

PROPOSED EXPANSION AREA 920 ACRES 620 MULE DEER DENSITY .67

PROPOSED EXPANSION AREA WITH CURRENT ELK & DEER 725 HEAD EQUALLY'S A DENSITY .78

M -

EAST OF AREA 600 ACRES 135 MULE DEER DENSITY .22

DEER HOLLOW 2420 ACRES 860 MULE DEER DENSITY .17

**PLUS THE DISPLACED 725 ANIMALS FROM THE EXPANSION AREA EQUALLY DENSITY .65**

THIS IS STILL LESS THAT THE DENSITY IS NOW IN THE CURRENT PURPOSED EXPANSION AREA. THE EXPANSION AREA HABITAT WILL BE BETTER OFF BEING USED AS A ELK RANCH THAN HAS OPEN GRAZING. NO RANCHER THAT HAS TRIED TO RUN THIS RANCH AS A CATTLE RANCH CAN SURVIVE WITH THIS MANY WILD ANIMAL FREELY GRAZING ON IT THERE IS NO FORAGE LEFT FOR CATTLE. IF YOU DON'T RAISE CATTLE YOU'LL HAVE TO RAISE HOUSES

N -

NO WHERE DOES THE EIS SHOW WHAT THE EFFECT WOULD BE IF WALLACE WAS RUNNING OTHER ANIMALS ON THE RANCH LIKE GOATS. AT ONE TIME THIS RANCH HAD OVER 1000 HEAD OF GOATS ON IT.

WALLACE'S EXPANSION 920 ACRES 360 MULE DEER AND ELK DENSITY .39

O -

PLUS WALLACE WILL BE FEEDING THE ANIMALS ALL THE FOOD THEY CAN EAT. SO IF ALL OF THE COUNTS ARE CORRECT IN THE EIS STATEMENT WALLACE'S EXPANSION WILL BE AN IMPROVEMENT ON WHAT IS CURRENTLY TAKEN PLACE ON THE PURPOSED EXPANSION AREA

P -

IT IS HARD FOR A PRIVATE LAND OWNER TO DO BUSINESS WHEN A GOVERNMENT AGENCY'S ARE INSPECTING HIS PROPERTY EVERY 2.6 DAYS,



P- THEY MAKE THE RULES, THEY ENFORCE THE RULES, THEY ARE THE SOLE JUDGE IF YOU ARE FOLLOWING THE RULES, AND THEY HAVE THE SOLE POWER TO TELL MR. WALLACE WHAT HE CAN DO WITH HIS PROPERTY AND THE PRIVATE LAND OWNER IS COMPLETELY BY A NON ELECTED CONTROLLER'S. WALLACE AND ALL PRIVATE LAND OWNER'S HAVE NO VOTE AS TO WHAT THEY CAN DO WITH THEIR OWN LAND AND PROPERTY.

Q- I COUNT OVER 20 SOURCES FOR INFORMATION REGARDING THE EIS STATEMENT. 1 ELK RANCHER AND ALL THE OTHER INFORMATION ALL CAME FROM GOVERNMENT PAYROLL EMPLOYEE'S. ALL OF THE INFORMATION CAME FROM BIAS EMPLOYEES. THE LOCAL NEWSPAPER HAD AN ADVERTISEMENT IN IT FROM THE RAVALLI COUNTY WILDLIFE ASSOC. STATING THAT THE MONTANA DEPT OF FISH WILDLIFE AND PARK AND THE MONTANA GAME WARDENS ALL DONATED MONEY TO THEIR ORGANIZATION. THE SAME ISSUE HAS AN ARTICLE IN IT WHERE THE RAVALLI COUNTY WILDLIFE ASSOC. IS TRYING TO CLOSE THE BIG VELVET GAME RANCH. HOW CAN THE FISH AND GAME AND THEIR EMPLOYEE'S DONATE MONEY TO A GROUP THAT IS AGAINST GAME RANCH AND THEN HOLD A PUBLIC HEARING AND TRY TO PRETEND THAT THEY ARE NOT BIAS????

R- I REALIZE THAT THE FISH AND GAME IS SUPPORTED TO DO BUSINESS BY SELLING DEER AND ELK TO BE KILLED BY LICENSED HUNTER'S. SO HOW CAN YOU OPENLY SUPPORT A BUSINESS THAT IS IN DIRECT COMPLETION WITH YOU. IT SEEMS TO BE A FACT THAT PRIVATE OWNERSHIP ALWAYS PRODUCES A BETTER PRODUCT THAN ANY GOVERNMENT AGENCY AT A MUCH LOWER COST. I REALLY DON'T THINK THAT GAME FARMING WILL ~~BE~~ <sup>PUT</sup> THE MONTANA FISH AND GAME OUT OF BUSINESS, BUT RAMMING THE FISH AND GAME CONTROL OVER PROPERTY OWNERSHIP WILL PUT YOU OUT OF BUSINESS. WITH THE INTRODUCTION OF WOLVES, AND NOW GRIZZLY BEARS. THE FISH AND GAME IS NO LONGER THE NICE GAME WARDEN. SEVERAL LAND OWNER'S IN THIS VALLEY ARE STARTING TO TALK VERY UNFAVORABLE TOWARD THE FISH AND GAME. YOUR MEETING IN HAMILTON RECEIVED SEVERAL CITIZENS SPEAKING AGAINST THE FISH AND GAME AND I THINK AS THE BEARS AND WOLVES BECOME A PROBLEM AND THE MORE YOUR AGENCY FORCES ITS RULES AND CONDITIONS ON TO LAND OWNERS IT WILL ONLY WORSEN.

THANK YOU

  
LEE FOSS

**32. Lee Foss**

- A. Comment noted. Refer to Comments in Support of the Proposed Action.**
- B. Refer to response No. 41.**
- C. Refer to response No. 42.**
- D. Refer to responses No. 5 and No. 43.**
- E. This issue is outside the scope of the EIS.**
- F. Refer to response No. 23.**
- G. Comment noted.**
- H. Refer to response No. 23.**
- I. Refer to response No. 5.**
- J. Refer to response No. 44.**
- K. Refer to response No. 45.**
- L. Refer to response No. 46.**
- M. Comment noted.**
- N. This issue is outside the scope of the EIS.**
- O. Comment noted.**
- P. Comment noted.**
- Q. This issue is outside the scope of the EIS.**
- R. This issue is outside the scope of the EIS.**

## LETTER #33

MAY 13, 1997

FISH WILDLIFE & PARK DEPT.  
3201 SPURGIN ROAD  
MISSOULA, MT 59804

RE: THE BIG VELVET RANCH

DEAR SIRs OR MADAMS,

I HAVE HEARD AND READ MANY, IF NOT ALL THE COMMENTS REGARDING THIS ELK RANCH NEAR DARBY. I HAVE HUNTED IN THE RYE CREEK AREA THE PAST 60 OR SO YEARS. NEVER ON SAID RANCH.

A - I SUPPORT THE WALLACE'S EFFORT TO DO BUSINESS/RANCHING IN OUR AREA. THEY SEEM TO RUN THEIR BUSINESS TO THE BEST OF THEIR ABILITY. I SUPPORT THEM AS YOU SHOULD, IN EXPANDING THEIR RANCH. THEY HAVE ATTEMPTED TO SELL OFF THOSE ACRES WITH NO RESULTS. AS FOR THOSE MULE/WHITETAIL DEER THAT WILL LOSE THAT PLOT OF LAND, I'M SURE THERE'S LOTS MORE OPEN LAND FOR THEM TO OCCUPY. I HAVE TROUBLE FINDING "SHOOTABLE" DEER IN THAT AREA ANYWAY.

AS FOR ANY DAMAGE CAUSED BY THE ENCLOSED ELK ON THE WALLACE RANCH, LET ME



AND TERRIBLE ODOR CAUSED BY THE GREAT NUMBER OF CATTLE/DAIRY RANCHES IN OUR AREA. HAVE YOU EVER LIVED WITHIN A MILE OF ONE OF THOSE LEGAL, UNREGULATED RANCHES. LET ME TELL YOU HOW BAD IT SMELLS AND THE STENCH NEVER STOPS. THERE ARE AREAS WHERE THE COWS/CATTLE ARE BELLEY DEEP IN THEIR WASTE WHICH SEEPS INTO THE GROUND WATER AND ANY STREAMS IN THE CLOSE PROXIMITY OF SAID LEGAL UNREGULATED RANCHES. SO IF YOU MUST REGULATE ANYTHING, I WOULD PREFER YOU CONCENTRATE ON THE COWS / DAIRY RANCHES FIRST.

I SUPPORT THE WALLACES QUEST TO EXPAND. BY THE WAY, I DO NOT KNOW NOR HAVE I EVER MET THE WALLACES.

Andy Kallmer  
588 THOUSAND ACRE RD  
CORVALLIS, MT 59828

**33. Andy Kallmer**

- A. Comment noted. Refer to Comments in Support of the Proposed Action.**
- B. Comment noted.**





## / LETTER #34

May 12, 1997

Mr. Mack Long, Region 2 Warden Captain  
Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula, MT. 59801

Dear Sir:

I am writing to make some comments on the Big Velvet Game Farm Expansion. I support the expansion of the Big Velvet Ranch Game Farm.

A - My concerns deal mainly with EPA regulations under the Wetlands Policy Act, Section 404 of the Clean Water Act. In my opinion, the Wetlands Policy Act is illegal under the United States Constitution dealing with private ~~prepoerty~~ property rights. Under the Wetlands Policy Act, this illegal regulation allows the taking of private property or ~~buisness~~ business without just compensation. Any property taken under the United States Constitution and the Federal government must pay compensation to the private landowner.

B - I also have a problem with the transportation of animals from one are<sup>A</sup> of the ranch to the other. ~~In your draft EIS,~~ In your draft EIS, you require the transportation of game from one end of the ranch to other by truck, I feel this creates more problems than it did when the ranch used the gate system, I feel this is more safer than tranporting by truck for such a short distance.

Another big EPA issue: Carol Browner

Position: Head of the Environmental Protection Agency

Moniker: The Land Grabber:

Carol Browner is the new boss woman of the Environmental Protection Agency-~~EPA~~ (EPA), the agency that specializes in harassing land owners everywhere and delights in putting tens of thousands of forest workers on unemployment lines.

Next Page

2

Here, essentially, is the plan: first, NAFTA will put millions of Americans out of work by encouraging U.S. based companies to move their manufacturing operations to Mexico, where labor can be had dirt cheap, thus abandoning the already crippled U.S. economy.

Then, when these same new plants and factories have taken full advantage of Mexico's lax-virtually nonexistent-environmental laws, dirt<sup>ied</sup> the environment and filled it with dangerous chemicals and toxins, the impoverished U.S. taxpayers are expected to step in, open their pocketbooks for the umpteenth time, and clean up the mess. We are to become Mexico's janitors and sanitary squad.

That's the Rockefeller-sponsored, New World Order, capitalist, global economy: the super rich play, the everyday, bankrupt American citizen pays.

In their book, Browner and Gore constantly refer to the most faulty and ridiculous pseudo-scientific "studies"- usually studies conducted by uneducated, New Age eco-fanatics to support their flawed environmental religion. Contrary to these flawed environmental treatises, statistics published by the National Weather Service, NASA, and other scientific agencies consistently ~~report~~<sup>report</sup> that the earth has actually gotten slightly cooler during the past decade. Yet, the Browner/Gore, Mother Earth spiritualist are like chicken littles, running around exclaiming, "The <sup>earth</sup> is warming, the earth is warming!"

Other scar tactics by the environmental extremists are similarly flawed and not based on scientific facts. For example, regardless of eco-propaganda, there is no severe or extraordinary ozone depletion in the atmosphere other than due to cyclical, self-correcting factors. CFCs do not <sup>T</sup> cause ozone depletion. This in spite of the fact that relatively inexpensive freon is going to be banned by the environuts, driving up the cost of home and auto air conditioners by hundreds, perhaps thousands, of dollars per unit.

Next Page

3

## THEY WANT TO CONTROL US

No, there is no scientific justification for what the administration and Ms Browner want to do to us concerning the environment. So what is the reason for their draconian proposal? The answer, once again, is simple: CONTROL. The environmental "crisis" gives the One Worlders a fabulous opportunity to control all of us.

C- Yes ladies and gentlemen, I and others are very much aware of your plans to create a New World Order through unconstitutional laws past by the evil liberal government agencies. Author Texe Marrs, Big Sister is Watching You. I would like to tell you that as citizens of the United States are watching you big government, WE ARE AWARE.

*we*

Dennis Palmer

C.M.U.

121 State Street #202

Hamilton, MT. 59840

375-9024

**34. Dennis Palmer**

- A. Comment noted.**
- B. Refer to response No. 43.**
- C. Comment noted.**



LETTER #35

MAY 21 1997

May 19, 1997

Rich Clough, Regional Supervisor  
Department of Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula, Montana 59801

Dear Rich,

Please enter this letter into the record concerning the Draft Environmental Impact Statement (DEIS) for the proposed expansion of the Big Velvet Ranch/Game Farm (BVR).

A- I support the no action alternative in the DEIS; I oppose the proposed expansion, which will block major traditional seasonal travel ways and the winter range for much of the Rye Creek herd. I believe the law provides for denial of the application for expansion.

B- Furthermore, I strongly support the revocation of the existing license under which the BVR operates. There is documented evidence to uphold such revocation as defined in the law governing the operation of game farms in Montana.

C- Like many Montanans, for decades I have been a private property owner. If private property rights are to be a factor in the decision, then it is both logical and essential that the private property rights of the adjacent land owners also be considered. Certainly adjacent land owners should not have their property devalued ("taken") and destroyed by those at the BVR, i.e. visual, wildlife, fisheries and fisheries habitat, water quality and streams.

D- Finally, I am a staunch supporter of the First Amendment to the Constitution of the United States - the freedom of speech and of the press. Regarding the DEIS, the public has the right to make comments without fear of threats and intimidation from game farm supporters.

Thank you for the opportunity to comment.

Sincerely yours,

  
John D. Grove

**35. John Grove**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**
- C. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- D. Refer to response No. 2.**

LETTER #36

MAY 21 1997



Fly Fishing  
Western  
Montana  
with  
Jack C. Mauer



email: wapiti@cybernet1.com

(406) 642-6548

Reservations • 1-800-254-5311

P.O. Box 383 • Stevensville • MT 59870

5/19/97

Dear Rich,

A

This is my letter regarding Big Velvet Ranch (BVR). It is my belief that the cumulative effects of road-building, dam-building (illegal) and overgrazing has led to an increase in sediment levels on Rye Creek and have helped destroy this fisheries. This affects my livelihood as a guide / outfitter. During my spring fishing season I used the put in @ Hannon Memorial and did drive up to check out Rye Creek. It was always cloudy and "colored-up" compared to other east side tribs. It is a net negative for the Bitterroot River. Based on their poor track record. I recommend denial of proposed expansion and revocation of their current licence.

Sincerely,

Jack Mauer

**36. Jack Mauer**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**



PHN SNYDER 385 WILCOX LANE  
SKULLI,  
MT.  
59828

RE: BIG VELVET GAME FARM  
ENVIRON' IMPACT STATEMENT  
ACT

Dear Fish & Game:

MAY 20 1997

Among my friends and family, we have two wildlife biologists. Both assure me that game farms have the potential to put wild elk herds at risk due to disease. Both assure me that a single veterinarian (Jack Ward) cannot begin to eliminate the potential for catastrophe, should the elk get loose. Genetic pollution and disease very real potential outcomes.

Big Velvet has many enemies and vandalism has already occurred according to the owner of Big Velvet. It would be so simple for someone to tear out a section of fence with a 4x4 or a winch. There are probably people in the area who would do it. Wind storms, microbursts, earthquakes, range fire and God knows what else, could set the elk loose.

We must not continue to put our wild elk herds at risk. There are many other problems with Big Velvet. Wyoming outlawed these game farms. Montana must do the same. R.I.D. is bad news.

**37. John Snyder**

**A. Refer to response No. 1**

## LETTER #38

TERRY KLAMPE, D.D.S., M.S.

5532 OLD HIGHWAY 93

P.O. BOX 368

FLORENCE, MONTANA 59833

TELEPHONE (406) 273-2018

5-15-97

MAY 20 1997

Fish Wildlife and Parks  
3201 Spurgin Rd.  
Missoula, MT 59804

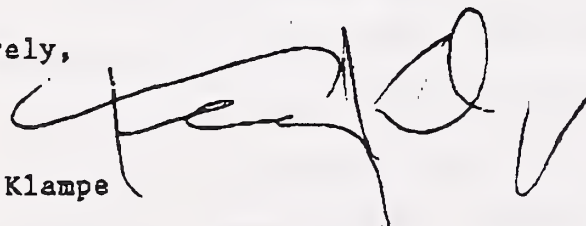
Please record me as being opposed to the expansion of  
B.V.R. Gamefarm.

A - The place is too big already! There is no way your agency  
can ever surveil adequately another 1100 acres. You don't  
have the time, money, manpower to monitor the existing  
2000 acres.

B - In addition, I would support the requiring of a double  
fence on the existing 2000 acres as per the original E.A.  
recommendations.

Sincerely,

Terry Klampe



**38. Terry Klampe**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



## LETTER #39

To: Montana F.W.P.

625 Continental  
Missoula, MT. 59803

May 18/97

Some points in opposition to Game Farms for deer and elk:

1. The State represents the public ownership of wild deer and elk, and carries out its duties with the financial support of sportsmen who value and hunt wild deer and elk. The presence of game farms for deer and elk necessitates regulation to protect many public interests, including the welfare of wild deer and elk. At present, this regulation is supported principally with the funds provided by sportsmen, who are thus subsidizing an activity that is directly in opposition to their aims and purposes because:

2. Game Farms for deer and elk are located in the more heavily developed lower slopes, the traditional wintering grounds of deer and elk. They not only exclude wild game through fencing but also constitute a reservoir of disease and genetic contamination. Even subdivision is not as deleterious as Game Farms, since deer, at least, can adapt to that habitat.

2

The remedy is for the Dept of FWP to act in a responsible manner with regard to the public interest that provides their financial support by:

B- 1. Insisting that the total costs connected with Game Farm governmental oversight be met by the Game Farm operators, not the public.

2. Insisting that all necessary regulations are scrupulously followed.

3. By cancelling all permits that do not fulfill requirements ① and ② above.

Sincerely yours

Richard D. Taber

625 Continental

Missoula, MT. 59803

**39. Richard Taber**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**





## LETTER #40



## BITTERROOT CONSERVATION DISTRICT

1709 NORTH FIRST STREET  
HAMILTON, MONTANA 59840  
(406) 383-5010  
FAX (406) 363-5011



May 21, 1997

Mack Long  
MT Fish, Wildlife & Parks  
3201 Spurgin Road  
Missoula, MT 59801

RE: Draft EIS/Big Velvet Ranch Game Farm Expansion

Dear Mr. Long:

A - The Bitterroot Conservation District, Board of Supervisors' would like to reiterate its opposition of any expansion of the Big Velvet Ranch Game Farm at this time. Mr. Len Wallace, owner of the Big Velvet Ranch, has a pending violation complaint filed against him with the Ravalli County Attorney's Office by the Bitterroot Conservation District that dates back to April 1994. In addition to the District's violation complaint, Mr. Wallace has received violation notices from the State of Montana Department of Environmental Quality and U.S. Army Corps of Engineers.

Unauthorized work done by Mr. Wallace over the years has had severely adverse impacts to Lowman Gulch and Rye Creek. These include unstable stream banks and highly erosive conditions due, at least in part, to animal confinement areas, severely degraded riparian areas, and degradation of water quality (pollution) caused by animal waste discharge. Additionally, a county road has been damaged by the failure of unauthorized dams and undersized, or lack of, culverts.

B - Our position is documented by the copies of pertinent correspondence, submitted at the February 19, 1997 public meeting, dating back to 1994 between Mr. Wallace, the Conservation District, and Local, State and Federal agencies. As shown in the correspondence from Mr. Wallace, he repeatedly shows his disregard and contempt toward the district as well as the professional opinions and recommendations offered to improve and/or rectify his problems.

If expansion is a consideration, we would urge it to be conditioned upon the authorization, completion, and inspection of a full restoration of past violations, as outlined, by the U.S. Army Corps of Engineers. In addition, a complete comprehensive plan of operation for the proposed expansion that includes water appropriation and impacts to the affected water sources, riparian, and wetland areas as well as a remediation plan to minimize these impacts.

Yours truly,

*Jack Iman*

Jack Iman, Chairman  
Bitterroot Conservation District

cc: George Corn, County Attorney

40. Jack Iman

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.
- B. Refer to response No. 35.

## LETTER #41

5-20-97

Mr. Rick Clough  
OWFP  
Missoula, Mt.

MAY 21 1997

Sir,

A - We would like to go on record as opposing any expansion to the Big Velvet Ranch/game farm. They have consistently shown negligence in their operation - Violations are numerous - It is time to put a stop to this.

This business is a disgrace to the state of Montana.

How long do these violations and citations have to go on before the ranch is held accountable?

We are life-long - born in Montana people - we do not like to see this type of business or operation. It is disgraceful - with no respect to our wildlife.



B

Please issue a "cease & desist" order against the ranch with closure of the business.

Sincerely,

Barbara Cebulski  
Taym Cebulski



**41. Barbara and Ruya Celrilski**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



## LETTER #42

May 15, 1997

Dear Mr. Clough,

I am currently visiting Montana, and have learned of the public comment period regarding the "game" farm at Rye Creek. I hope your department seriously weighs the past record of statute violations and apparent disregard for the local area's residents. It would be a shame to allow the quality of life in a state as beautiful as Montana to be sacrificed for the quick profits to be gained at the expense of misused and abused animals. MONTANA DESERVES BETTER.

Sincerely, M. LaMoey

M. M. LAMOY  
P.O. BOX 15625  
BOISE, ID. 83715



MR. RICH CLOUGH  
3201 SPURGIN RD.  
MISSOULA, MT. 59801

42. M. M. La Moy

A. Please refer to response No. 35 and to the Summary of Comments in Support of the No Action Alternative.



## LETTER #43

MAY 22 1997

Bitterroot Audubon  
Box 326  
Hamilton MT 59840  
May 20, 1997

Mr. Rich Clough  
Regional Supervisor  
Montana Department of Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula MT 59801

Dear Mr. Clough:

Bitterroot Audubon, an organization of over 150 conservation minded citizens of the Bitterroot Valley, has real concerns about the further development of game farm activities at the Big Velvet Ranch Game Farm. We have thoroughly reviewed the Draft Environmental Impact Statement and offer these comments and opinions.

Given the history of violations of Montana water laws, the ingress and egress problems, non-compliance with fencing provisions in the current license, and general disregard for the any semblance of land management ethic, we must urge you to select the No Action Alternative. Mr. Wallace has a well documented history of general disregard for even the most reasonable land management regulation. Illegally built stockwater ponds and their subsequent failure is probably the best example of the worst kind of land ethic displayed by the management of the Big Velvet Ranch.

We have a great deal of concern about the number of elk and other game farm animals permitted currently and for the potential addition of "approximately 300 elk, and possibly 50 mule deer and 10 white-tailed deer in the expansion area." It seems like the current permit allows as many animals as can be crowded into the current area, and the expansion application asks for 360 more animals to an undetermined number. How in the world could you issue a license for an operation with no upper limit on the animals present?

The current situation, judging from what can be seen from the road, has allowed the rangeland within the Game Farm to be horribly overgrazed and in rapidly deteriorating condition. Mr. Wallace has bragged to neighbors about the lack of any culverts in any of the roads within the current enclosure. It abundantly clear, even viewed from a distance, that road construction has failed to follow even the most basic principles of location and design.

The deterioration of native vegetation concerns Bitterroot Audubon more than anything else. Our native wildlife, those not limited by fences or property boundaries, need native vegetation to carry out their life cycles. The intensively overgrazed rangeland is abhorrent to our membership.

D - The DEIS does not list the criteria against which the application for license will be judged. We think they should be. From attending the public hearings, we understand at least one of the criteria for denial is the interruption of migration routes or exclusion of native big game from a substantial portion of their usual winter habitat. It's obvious the fencing of 1,100 acres of key grass/shrubland will have a devastating effect on the 500+ mule deer present in the area for most of this past winter.

E - Several of the proponents for the expansion of the BVR testified at the most recent public hearing that this Game Farm is the best run operation they have ever seen. If this is an example of how to run a game farm, I suggest we should do everything in our power to curtail operations of game farms state-wide.

F - In our opinion, the only acceptable choice is for the NO ACTION Alternative.

Sincerely,



Mike Daniels  
President

**43. Mike Daniels**

- A. Comment noted. Refer to Response No. 35.**
- B. Refer to response No. 1.**
- C. Refer to response No. 22 and to the Summary of Comments in Support of the No Action Alternative.**
- D. Refer to response No. 47.**
- E. Comment noted. Refer to Summary of Comments in Support of hte No Action Alternative.**
- F. Comment noted.**





LETTER #44



Stan Rauch  
662 Bear Creek Rd.  
Victor, MT 59875  
(406) 642-6639

MAY 22 1997

May 21, 1997

Rich Clough  
Region 2 Supervisor  
Montana Dept. Fish, Wildlife and Parks  
3201 Spurgin Rd.  
Missoula, MT 59801

Dear Mr. Clough,

During the past three years, I have attended virtually all of the meetings dealing with the Big Velvet Game Farm and have put forth the effort to be as knowledgeable on this issue as I can be.

I strongly request that you deny the proposed 1,100 acre expansion of the Big Velvet Game Farm. The No Action Alternative as presented in the EIS should clearly be your decision in this matter.

A - My primary reasons for wanting a denial of the expansion lie within the eight major issues of concern raised during the scoping period that are presented on the second page of the draft EIS summary. Additionally, the so called "trophy hunts" conducted at BVR are a very significant negative impact on our hunting heritage in Montana. My attached letters to the editors of The Missoulian and Ravalli Republic provide more detail on that aspect of this issue.

B - As you are well aware, private property rights are the primary rallying cry of those who support the Big Velvet. For the most part, they totally ignore the documented violations that Len Wallace has committed, and the negative effects of those violations on the public's fish, wildlife and the environment - our property rights. The public input meeting on the EIS was truly a pathetic thing as most people, seemingly all of the BVR employees, said what a positive thing the BVR is, for the most part ignoring the EIS issues at hand and Wallace's sorry performance record.

C - My strongest input to you on this issue is that you strictly enforce the laws and regulations pertaining to game farm operations. This is absolutely critical if the public's wildlife and environment has any hope of being protected from the many negative aspects of game farms. Part of that enforcement is having you require Len Wallace to have double fencing around his existing facility.

Make the right decision - deny the Big Velvet expansion.

Sincerely,

**44. Stan Rauch**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**
- C. Comment noted.**



## Letters

**Revoke permit**

If the elk on the Big Velvet Game Farm are just another form of livestock, why then, do they conduct so called "trophy hunts" for these domesticated, feedlot animals and then wonder why people are so upset by it?

Elk killed on game farms never will be recognized in the Boone and Crockett Club record book. That highly respected conservation organization was established by and for sportsmen who care about the present and future welfare of our wildlife resources and for those who participate in ethical, responsible hunting conducted under the rules of fair chase.

For the record, fair chase is defined as "the ethical, sportsmanlike and lawful pursuit and taking of any free-ranging wild game animal in a manner that does not give the hunter an improper or unfair advantage over such game animals." All responsible sportsmen, and a large portion of the non-hunting public, know what fair-chase hunting is and they strongly support it. Ethical, fair-chase hunting is the very foundation of our treasured hunting heritage here in Montana.

Truth in advertising would go a long way here. Instead of promoting "trophy hunts" it is clear that "game farm elk shoots" would be a proper description. However, because so many people identify penned shooting as such a despicable activity, the promotion of it requires the use of a positive image that is widely recognized as being honorable and correct — Montana hunting. This pathetic use of our hunting heritage is a big slap in the face to every sportsman and citizen of the state, all of whom benefit from regulated hunting's vital, proven roll in wildlife management.

Our Department of Fish, Wildlife and Parks has an administrative responsibility for game farms and thus the sportsmen must incur the associated costs. Many thousands of dollars of their hunting and fishing license money is currently being spent on the EIS that is required as a result of the proposed expansion of the Big Velvet Game Farm. Money normally dedicated to the enhancement and protection of our wildlife resources will instead be directed specifically toward the Big

Velvet Game Farm, a private enterprise whose canned shoots tarnish the image of hunters and whose actions have inflicted documented significant damage to public water, stream beds, fish and wildlife.

Expansion of the Big Velvet Game Farm? No.  
Revocation of its game farm permit? Yes.

Stan Rauch  
Victor

**Revoke game farm's permit**

The Big Velvet Game Farm near Darby says its elk are just another form of livestock. Why then, do they conduct so-called trophy hunts for these domesticated, feed-lot animals and then wonder why people are so upset by it?

In reality, these are not hunts at all, but the canned shooting of fenced-in, ear-tagged, tame elk. No license is required, nor should there be, because it is the killing of game farm livestock.

These hunts are promoted by such references as "the 9-by-9 nontypical bull scored 409 points in the Boone and Crockett record book." Game-farm animals are not and never will be in the B&C records. That respected conservation organization established its records function for those who participate in ethical, fair-chase hunting.

For the record, fair chase is defined as the ethical, sportsmanlike and lawful pursuit and taking of any free-ranging wild game animal in a manner that does not give the hunter an improper or unfair advantage over such game animals. All responsible sportsmen, and a large portion of the non-hunting public, know what fair-chase hunting is and they strongly support it. Ethical, fair-chase hunting is the very foundation of our treasured hunting heritage in Montana.

Due to an administrative responsibility for game farms by our Fish, Wildlife and Parks, multi-thousands of dollars of sportsmen's hunting and fishing license money is being spent on the EIS for the proposed expansion of the Big Velvet Game Farm. Money normally dedicated to benefit our wildlife resources is being directed towards that one specific private enterprise whose canned shoots tarnish the image of hunters and whose actions have inflicted documented damage to public water, streambeds, fish and wildlife.

Expansion of the Big Velvet Game Farm? No.  
Revocation of its game farm permit? Yes.

Stan Rauch,  
662 Bear Creek Road, Victor

MISSOULIAN APR 30, 97





## LETTER #45

May 21, 1997

MAY 22 1997

Rich Clough, Regional Supervisor  
Montana Fish, Wildlife & Parks  
3201 Sprugin Road  
Missoula, Mt. 59801

Dear Mr. Clough,

Please accept the following comments on behalf of the Anaconda Sportsmen's Club in regards to the application for expansion of the Big Velvet Ranch/Game Farm (BVR) located 5 miles from Darby.

We support the 'No Action' alternative of the Draft Environmental Impact Statement for the following reasons:

- A -
- expansion will create a permanent obstacle for resident elk and mule deer to critical winter range resulting in a permanent loss of a significant portion of local wildlife populations.
  - the existing game farm has a well documented history of game farm statute violations and the owners have not shown the ability or the desire to operate within the law.
  - the cumulative effects of this operation will impair fish spawning habitat.

B - This game farm operation has created significant public health risks; has depleted native wildlife populations, threatened water quality and fishery habitat, and diminishes the reputation of sport hunting by offering captive animal hunts. The public is still questioning whether this is the type of business and activity that should be tolerated in Montana. The public is also looking for a demonstration of the existing laws and their ability to regulate an operation with the kind of problems demonstrated at BVM.

Sincerely,



Chris Marchion  
2105 Garfield  
Anaconda, MT. 59711

**45. Chris Marchion**

- A. Comment noted. Refer to Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**

## LETTER #46

6 May 1997

TO: RICHARD COULGH

FROM: HARRY A LaFRINIERE

SUBJECT: BIG VELVET GAME FARM EXPANSION

Best Management Practices have been ignored in ROAD and FENCE CONSTRUCTION. State Water Quality and Federal Clean Water Act permits, 310 & 404, were not obtained. We need to deal with these problems now. Ravalli County Fish & Wildlife Association is requesting you disapprove the expansion applicaion. *alt (a)*  
This request is made for the reasons listed below. *NO ACTION*

A - (A) BITTERROOT CONSERVATION DISTRICT - 19 February 1997

Opposes Expansion - Adverse impacts to Rye Creek and Lowman Gulch. Unstable stream banks, severely degrading of riparian areas, degrading of water quality caused by animal waste.

B - (B) STATE OF MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY

27 March 1997

Not in compliance with applicable water quality law.

Suspense date 1 Nov 97. To date no such commitment has been received. (See certified letter - 27 Mar 97- to Len Wallace)

(C) U.S. ARMY CORPS OF ENGINEERS - 17 September 1996

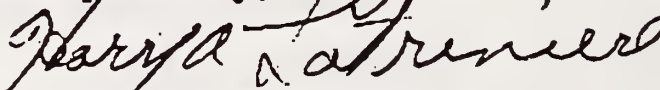
Inspection: Significant amount of restoration still needs to be completed.

We will not authorize any additional pond construction, stream modification, water withdrawal, culvert installation, or any other activity that would involve a discharge of dredged or fill materials. Will inspect in near future and will coordinate with other agencies.

(D) DEPARTMENT OF FISH WILDLIFE AND PARKS

See attached Game Farm Violations

Respectfully,



HARRY A LaFRINIERE

Director

Ravalli County Fish & Wildlife Assoc.



**46. Harry A. LaFriniere**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Refer to response No. 14.**
- C. Refer to responses No. 14 and 35.**
- D. Refer to responses No. 14 and 35.**



## LETTER #47



Box 1942, Great Falls, MT 59403 (406) 452-3238

MAY 23 1997

JIM BRADFORD,  
President  
4305 Barbara Lane  
Missoula, MT 59803

May 21, 1997

Rich Clough  
Region 2 Supervisor  
Montana Dept. Fish, Wildlife and Parks  
3201 Spurgin Road  
Missoula, MT 59801

Dear Mr. Clough,

In regard to the Big Velvet Game Farm's 1,100 acre expansion request, the Montana Bowhunters Association supports the No Action Alternative as presented in the EIS. We strongly request that you do not issue a license for expansion of the BVR as proposed.

Our major issues of real concern are among those raised during the scoping period: potential transmission of disease to wild game, potential genetic pollution of wild game, loss of critical winter range habitat and consequent loss of wild game, inadequate fencing, potential decrease in hunting opportunities, and impact to the resources of state agencies. Additionally, we are very concerned about the negative impact on our Montana hunting heritage that results from the conducting of so called "trophy hunts" on the Big Velvet. This is the penned shooting of domestic elk and not fair chase hunting. However, many people think that this is what hunters do and consequently honest sportsmen receive a bad image because of game farm shooting operations.

The documented violations committed by the Big Velvet Game Farm clearly justifies the denial of the expansion that has been requested. In addition to the denial of the expansion, we are requesting that you require Big Velvet to construct double fencing around the existing facility as the Big Velvet owner has clearly demonstrated his inability to provide for the prevention of ingress and egress with the single fence concept. We also firmly request that you insure that the laws and regulations that are under your jurisdiction pertaining to game farm operations be strictly enforced.

Sincerely,

*Jim Bradford*

Jim Bradford  
President



**47. Jim Bradford**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Refer to response No. 29.**



## LETTER #48

Date: 03 May 1997

To: Citizens Against Game Farm Expansion (CAGE)  
Box 368  
Florence MT 59833

From: L. C. Scott  
462 Honey House Ct  
Corvallis MT 59828-9391

This is written opposition to all expansion of game farms as well as existing game farms.

A The chance of disease spreading to our wild elk and deer is not worth taking the chance. Hunting on existing farms should be outlawed. One of the reasons I joined the Ravalli Fish and Wildlife Association was to help organize opposition to game farms in Montana.



**48. L.C. Scott**

**A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**



LETTER #49

*Skyline Sportsmen's Association, Inc.*

Box 173

Butte, Montana 59703

May 22, 1997

MAY 23 1997

Mr. Rich Clough  
Regional Supervisor  
Montana Department of Fish, Wildlife, and Parks  
3201 Spurgin Road  
Missoula, MT 59801

Re: Big Velvet Game Farm Expansion

Dear Mr. Clough:

- A - Representing 24 board members and a unanimous decision, I wish to advise that the Skyline Sportsmen's Association opposes a proposed expansion of this game farm.
- B - The history of this farm would dictate a drastic change in conduct or suspension of the license. Certainly it does not warrant expansion.

Sincerely,

*Vince Fischer*  
Vince Fischer, President

LAST	FIRST	ADDRESS	CITY	SI	ZIP	HOME	WORK
ANTONOLI	STEVE	6 WHITETAIL DR	WHITEHALL	MT	59759-9635	287-3755	494-7343
ATCHESON	JACK	3210 OTTAWA	BUTTE	MT	59701		782-2382
BABICH	SAM	626 EVANS AVE	BUTTE	MT	59701-3224	494-7579	
BUEHLER	CHARLE	481 LITTLE BASIN	BUTTE	MT	59701-4523	494-4423	
BUGNI	TOM	3460 ST ANN	BUTTE	MT	59701-6410	723-4753	782-9174
CARGILL	JOHN	40 CEDAR HILLS RD	WHITEHALL	MT	59759	494-2960	
CARLSON	ROBERT	2424 LOCUST	BUTTE	MT	59701	723-3144	
CASTREN	LES	2122 UTAH	BUTTE	MT	59701	59701-5853	723-4978
CHEBUL	JOHN	2639 HARVARD	BUTTE	MT	59701-4244	494-4490	
ENDY	BILL	P O BOX 962	WHITEHALL	MT	59759	287-5379	
FISCHER	VINCE	52 N LAKE DR	BUTTE	MT	59701-3859	494-2761	
HOLDORF	BILL	2810 STATE ST	BUTTE	MT	59701-4427	494-6023	
JOZOVICH	DALE	127 RYE DR	BUTTE	MT	59701-7644	494-2285	
KRUEGER	KURT	100 S EXCELSIOR	BUTTE	MT	59701	782-7748	782-2365
LUEBECK	AL	2610 AMHERST AVE	BUTTE	MT	59701-4239	494-2262	
MATHIS	RON	1255 WATERLINE RD	BUTTE	MT	59701-7024	494-3786	
MCDONALD	JOHN	417 S MAIN	BUTTE	MT	59701	494-2176	723-5791
MEHRING	LEROY	1025 PLACER ST	BUTTE	MT	59701-2843	723-5996	
PETERS	DAN	3208 HARVARD AVE	BUTTE	MT	59701	782-5325	
SULLIVAN	CON	2030 JOHNS	BUTTE	MT	59701	782-9475	497-3862
SULLIVAN	TIM	2805 ST ANN	BUTTE	MT	59701	782-2420	
TRUDNOWSKI	JOHN	1830 FLORENCE AVE	BUTTE	MT	59701	723-9251	494-7321
WALDE	TERRY	2900 KENNEDY	BUTTE	MT	59701	494-3700	



**49. Vince Fischer**

**A. Comment noted.**

**B. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**



LETTER #50

MAY 23 1997

May 21, 1997

Montana Department of Fish, Wildlife & Parks  
3201 Spurgin Road  
Missoula, MT 59806

Thank you for providing me with the opportunity to review the Draft EIS on the Big Velvet Ranch game farm expansion.

Reading the draft EIS has not given me any reason to change my opposition to this proposal as stated in my previous letter.

In fact, the draft EIS has reinforced my opposition to the expansion.

A - On page S-2 you list "Summary of Impacts" (also expanded in chapters 3 and 4). four of these are negative and only one is positive. I question whether the one positive impact (the addition of 2 employees and expanded tax income) offsets the negative social and economic impacts listed in this paragraph.

B - Further more, the Wallaces have indicated little willingness to abide by the regulations of the permit or laws governing their activities as evidenced by the 12 violations in the past five years.

C - The State cannot afford to enforce the present permit let alone an expanded one. I also question the propriety of using hunting licence fees to finance these activities.

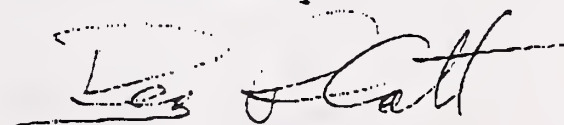
D - Of the two alternatives proposed, only the No Action alternative is reasonable. In addition, a second fence should be required as originally proposed for property now under permit.

E - The Big Velvet Game Farm should also be fined for not abiding by permit regulations and be required to repair all riparian damage to Lowman and Rye Creeks.

Please send the final EIS when it is available.

J.

Sincerely



Peg Platt

**50. Peg Platt**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- B. Refer to response No. 35.**
- C. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**
- D. Refer to response No. 29.**
- E. Comment noted.**



## LETTER #51

May 21

Dear Mr. Clough,

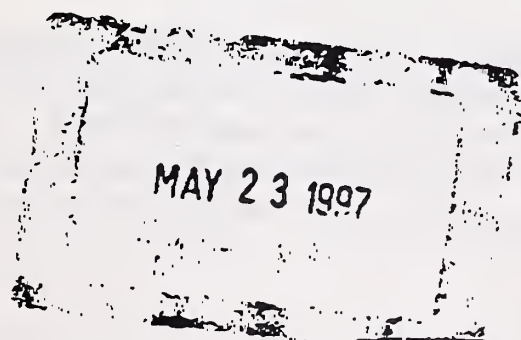
I would like to urge you to say no to the expansion of Big Velvet and to seriously consider revocation of the current license.

A | There has been violation after violation and I think it's time for this to stop. There are so many environmental issues here; riparian habitat being destroyed, water quality issues, and of course, animal rights. Everyone has been saying 'Private property rights'; Well what about those poor elk who ~~once~~ were free but now are caged so some stupid humans can enjoy their misery.

Please do the right thing.

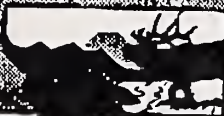
Say No!

Sincerely,  
Hannah Mares



**51. Hannah Mauer**

- A. Comment noted. Refer to the Summary of Comments in Support of the No Action Alternative.**

MONTANA WILDLIFE  
FEDERATION

MONTANA WILDLIFE FEDERATION

LETTER #52

MAY 23 1997

May 21, 1997

Rich Clough, Supervisor  
Montana Fish, Wildlife, & Parks, Region 2  
3201 Spurgin Road  
Missoula, MT 59801

Dear Rich,

The Montana Wildlife Federation submits the following comments on the DEIS for the Big Velvet Ranch (BVR) Game Farm Expansion.

MCA 87-4-426 sets out several criteria for the issuance of a game farm license and the denial of such a license. MCA 87-4-426 (3) states that an application for a game farm license may be denied in its entirety...based on the following potential impacts:

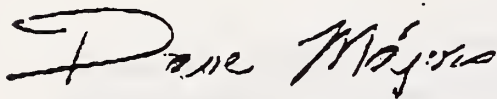
1. substantial loss or destruction of critical seasonal game animal habitat...including wintering areas. The DEIS states that the proposed action by the BVR would remove an additional 920 acres (54%) from the remaining 1,690 acres of the Rye Creek winter range. This would result in an expected loss to the Rye Creek herd of 400 - 600 Mule Deer over an extended period of time. In addition, the DEIS states there would be increased mortality of Elk during severe winters.
2. blockage or disruption of major traditional seasonal migration corridors or major travel routes. The DEIS states that the expansion of the game farm would impair migration of displaced elk to alternative winter range. The DEIS further states that most of the existing Mule Deer herd in the Rye Creek area would be eliminated by the expansion of the BVR game farm.
3. unacceptable threat of introduction or transmission of serious diseases or parasites to native wildlife populations. The DEIS states that the proposed action would increase the risk of disease transmission to wild game. The DEIS states that the following diseases pose the greatest risks to wildlife in the vicinity of the BVR proposed expansion area: Bovine Tuberculosis, Brucellosis, Johne's Disease, Meningeal Worm, Cryptosporidiosis, and Chronic Wasting Disease.



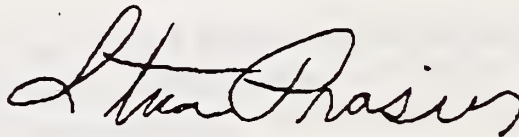
MCA 87-4-426 (2)(a) states that a license may be issued to an applicant who has properly fenced the perimeter with fencing designed to prevent the escape of game farm animals and to prevent the entry of native wildlife capable of interbreeding with or contracting diseases or parasites from the game farm animals. The DEIS states that between 1992 and 1997 the Department of FW&P has documented the ingress of 20 deer, multiple coyotes, 1 mountain lion, and 1 black bear.

- A - In view of the above mentioned criteria, as well as the failure of the game farm operator to abide by applicable state and federal regulations for his current operation, the Department of FW&P has no choice but to select the "No Action; alternative, and deny issuance of the expansion.
- B - The Montana Wildlife Federation urges the Department of FW&P and other state and federal agencies involved to enforce their regulations and to prosecute any violations in a timely manner.

Sincerely,



Dave Majors, Co-Chair  
MWF Game Farm Committee



Stan Frasier,  
MWF President



**52. Dave Majors and Stan Frasier**

- A. Comment noted. Refer to response No. 35 and the Summary of Comments in Support of the No Action Alternative.**
- B. Comment noted.**



## LETTER #53

Dear Mr. Clough,

A - Please say no to the expansion of the elk farm. I do not think that this sickening display of selfishness should be continued. I think farming game animals should be illegal. I believe you should null his license and say no to the proposed expansion.

Sincerely,

Lucas Persson

53. Lucas (illegible)

A. Comment noted.





